

GOVERNANCE COUNCIL COMMITTEE MEETING MINUTES

AUGUST 2, 2017 at 11:30 AM
CITY HALL, MEDIA BRIEFING ROOM

Committee Present:	Mayor Ron Nirenberg, <i>Chair</i> Councilmember Roberto Treviño, <i>District 1</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Rey Saldaña, <i>District 4</i> Councilmember Ana Sandoval, <i>District 7</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Andy Segovia, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Peter Zaroni, <i>Deputy City Manager</i> ; Rod Sanchez, <i>Assistant City Manager</i> ; Mike Frisbie, <i>Director of TCI</i> ; Ben Gorzell, <i>Chief Financial Officer</i> ; Kevin Barthold, <i>City Auditor</i> ; Edward Guzman, <i>Deputy City Attorney</i> ; Camila Kunau, <i>Assistant City Attorney</i> ; Susan Guinn, <i>Assistant City Attorney</i> ; Lina Rodriguez, <i>Executive Assistant to the City Clerk</i> ; John Peterek, <i>Assistant to the City Manager</i> ; Patrick Steck, <i>Special Projects Manager</i> ; Bridgett White, <i>Director of Planning</i> ; Michael Shannon, <i>Director of Development Services</i> ; Colleen Bridger, <i>Metro Health</i>
Others Present:	Amy Kastely, <i>Free Speech Coalition</i> ; Joleen Garcia, <i>Free Speech Coalition</i> ; Graciela Sanchez, <i>Free Speech Coalition</i> ; Rhett Smith, <i>Free Speech Coalition</i> ; Dr. Adriana Garcia, <i>Ethics Review Board Chair</i> ; Ron Van Kirk, <i>Citizen</i> ; Iris Dimmick, <i>Rivard Report</i> ; Andres Pena, <i>Kaufman-Killen</i> ; Vanessa Vargas, <i>Citizen</i> ; Pilar Arias, <i>KTSA</i>

CALL TO ORDER

Mayor Nirenberg welcomed everyone in attendance and called the meeting to order.

1. Approval of Minutes for City Council Governance Committee Meeting of April 20, 2017.

Councilmember Viagran moved to approve the Minutes of the City Council Governance Committee Meeting of April 20, 2017. Councilmember Saldaña seconded the motion. The motion carried unanimously.

2. A Council Consideration Request by Councilmember Rey Saldaña, District 4, on the results of an independent performance audit on certain 2007 and 2012 Bond Program road and sidewalk projects. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Transportation & Capital Improvements].

Deputy City Manager Peter Zaroni presented a performance audit conducted by an independent consultant, Terracon Consultants, on road and sidewalk conditions of major bond projects. He explained that the focus of the Council Consideration Request (CCR) was to explore if our streets and sidewalks are being built to last, taking into consideration building materials, soil conditions, etc. Mr. Zaroni stated that a requested matrix be

created of predicted life span and the predicted maintenance costs of asphalt versus concrete streets. Staff recommended the study be shared and discussed in detail with the Transportation Council Committee.

Councilmember Saldaña stated that his CCR was born out of concern from his constituents regarding streets and sidewalks in his district needing repair shortly after being replaced. He relayed to his constituents, among other reasons, it was due to vastly different soil conditions throughout the city. Thus, he requested this audit regarding the different needs for different parts of the city concerning street and sidewalk construction.

Mr. Mike Frisbie explained that he worked with Councilmember Saldaña about the concerns he had in his district, specifically, the use of concrete versus asphalt for streets and sidewalks. He noted that through the process of this independent study, it was confirmed that there is no right building material for all parts of the city. For example, clay soils are expansive and can cause problems for asphalt streets such as cracking or bumping; concrete streets built on clay soils can also have problems with flooding in which the entire concrete slab could pop out of place. Thus, Mr. Frisbie stressed the importance of conducting extensive research and soil testing of the proposed site on a case-by-case basis to determine the best building material for that location.

Councilmember Saldaña asked if a particular material had already been earmarked for a certain site could be changed in the future. Mr. Frisbie responded that those decisions are always up to the discretion of the Council.

Councilmember Viagran added her support for the CCR as she has several streets in her district that could benefit from this scrutiny of different location's geology throughout the city.

Councilmember Treviño also expressed his support for the CCR and the innovative thinking towards streets and sidewalks that can be brought to the 2017 Bond Projects. He asked Mr. Frisbie to explain the upfront design process prior to actual construction. Mr. Frisbie explained it begins with the engineers conducting extensive research of the site and the soil conditions.

Councilmember Sandoval expressed her support for the CCR but questioned the cost of asphalt versus concrete. Mr. Frisbie stated that the independent study confirmed the life-cycle/maintenance costs are essentially the same. The difference is that asphalt requires more maintenance in the earlier years but concrete requires major rebuilding in later years. Councilmember Sandoval made note of the disruption to neighborhoods when repairing streets and the pollution involved in using either asphalt or concrete.

Councilmember Saldaña referenced the Design Guidance Manual and questioned the required depth for soil samples. He referenced Zarzamora Street in his district, which had finished construction and shortly thereafter needed repairs. Mr. Frisbie noted they are currently working to standardize guidelines in order to properly fix the issues caused by shallow soil samples that may be unable to detect issues that are more serious.

Councilmember Saldaña moved to forward this item and the resulting independent study to the Transportation Council Committee. Councilmember Viagran seconded the motion. The motion carried unanimously.

3. A Council Consideration Request by Councilmember Roberto Treviño, District 1, for a review of permitting procedures for First Amendment assembly and procession in public places. [Andy Segovia, City Attorney].

City Attorney Andy Segovia presented the legal issues of the CCR. He explained that there are different legal standards for public forums versus non-public forums. The courts have significantly protected citizens' First Amendment Rights in public forums. He noted that public forums are traditional gathering forums, such as, streets, parks, the front steps of City Hall, etc. However, the city may apply time, place, and manner restrictions

on public forums but these restrictions must be content-neutral and narrowly tailored to promote a significant governmental interest, i.e. public safety.

Mr. Segovia stated the City's Parade Ordinance only requires permits for activities that will block traffic on streets or sidewalks. He also stated permits are not required for use of open space in the city's public parks. He distinguished non-public forums such as, jails, courthouses, airports, etc. and added that reasonable restrictions can be placed on non-public forums to uphold a legitimate governmental interest, such as public safety.

Mr. Segovia, in the case of airports, recommended giving the Airport Director discretion and flexibility in dealing with event-driven spontaneous free speech rallies. Concerning the Convention Center and Alamodome, he stated staff is looking at specific areas to designate for free speech assembly and rallies. However, he noted the need for areas both suitable for large gatherings and not disruptive to the normal course of business.

Mayor Nirenberg recognized a representative of the Free Speech Coalition. Ms. Amy Kastely noted a concern for the Coalition is the broad discretion given to police and the discouragement felt in carrying out free speech and cultural events. She noted concern about the permitting process and high costs associated with it. She indicated this particular application for a permit is not currently online making the process difficult and requested citizen input in further discussions concerning changes to any free speech ordinances.

Mayor Nirenberg thanked the Coalition for their input and reiterated the complex nature of these legal issues. He stated the importance of striking the appropriate balance between respecting citizens' First Amendment Rights and the duty to uphold public safety. He noted the need for further discussion with the full Council.

Councilmember Treviño noted the need to be responsive to citizen input in changes to free speech ordinances and recommended more citizen input prior to discussion being brought to the full Council.

Councilmember Saldaña expressed further discussion was needed on the process and discretion for permitting and stated his support for more citizen input.

Councilmembers Viagran and Sandoval added their support for the CCR, continued citizen input, and further discussion with the full Council.

Councilmember Treviño moved to forward this item for further discussion with the full City Council. Councilmember Viagran seconded the motion. The motion carried unanimously.

4. A Council Consideration Request by Councilmember Rey Saldaña, District 4, on the review of the current scoring matrix and the creation of a new scoring category to consider the compensation package offered to employees of respondents to various discretionary solicitations. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

Chief Financial Officer Ben Gorzell presented a review of the current scoring matrix for various discretionary solicitations and discussed the creation of an additional scoring category that considers employee compensation. He highlighted current scoring categories, such as, SBEDA and the Local Preference Program that benefit minorities, women-owned, and local businesses. He also noted the Veteran's Preference Program designed to give preference points to veterans. Mr. Gorzell stated the staff recommendation is further discussion with the City Attorney's Office on the entirety of the Preference Points Program, more thorough recommendations brought to the Audit & Accountability Council Committee, and then to the full Council.

Councilmember Saldaña expressed that the CCR stems from concern for employee compensation packages of companies that contract with the city. He noted that rewarding preference points as well as setting a minimum would encourage competing bidders to reconsider their own employee compensation packages.

Councilmember Viagran voiced her support for this CCR and requested responsible bidders with proper certifications be added to discussions as a category of the scoring matrix for the bidding process.

Councilmember Saldaña moved to forward this item to the Audit & Accountability Council Committee and then to the full Council. Councilmember Sandoval seconded the motion. The motion carried unanimously.

5. A Council Consideration Request by Councilmember Roberto Treviño, District 1, regarding proactive inspections of health conditions for predominately seniors and disabled persons living in residential housing facilities. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services].

Assistant City Manager Rod Sanchez presented the CCR concerning periodic and regular health inspections for senior and disabled residential housing facilities. Staff recommends a task force be established of different city departments and stakeholders to further discuss the rules and regulations, with full recommendation forwarded to the Community Health & Equity Council Committee and then to the full Council.

Councilmember Treviño expressed enthusiasm for the recommended task force and further discussion. Mayor Nirenberg and Councilmember Viagran echoed their support for the item.

Councilmember Treviño moved to forward said item to the Community Health & Equity Council Committee. Councilmember Sandoval seconded the motion. The motion carried unanimously.

6. A Council Consideration Request by Councilmember Roberto Treviño, District 1, regarding the burden of proof requirement for demolition in the Unified Development Code. [Roderick Sanchez, Assistant City Manager; Shanon Shea Miller, Director, Office of Historic Preservation].

Assistant City Manager Rod Sanchez presented the CCR focused on the burden of proof for demolition of historic structures in the Unified Development Code (UDC). The current burden of proof to demolish historic structures is to provide sufficient evidence that maintaining the historic structure is an economic hardship. He noted the burden of proof language was legally crafted, but suggested the process could be amended. Staff recommended the CCR be forward to the Arts, Culture, & Heritage Council Committee for further discussion and then a thorough recommendation to the full Council.

Councilmember Treviño stated his desire to add more definition and clarity to ambiguous terms such as the burden of proof language.

Councilmember Viagran questioned the amendment process for the UDC. Mr. Sanchez clarified that the UDC may be amended at any time at the Council's discretion. However, he cautioned against amending it too often, as staff must be trained on all amendments.

Councilmember Treviño moved to forward said item to the Arts, Culture, & Heritage Council Committee. Councilmember Saldaña seconded the motion. The motion carried unanimously.

7. A Council Consideration Request by Councilmember Roberto Treviño, District 1, relating to a review and possible update of Section 35-343 "IDZ" Infill Development Zone. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services Department].

Assistant City Manager Rod Sanchez presented the CCR focused on the Infill Development Zone (IDZ) requirements. He explained the IDZ was put in place to facilitate development in the inner city. Staff recommended a task force of neighborhood leaders, developers, and appropriate city departments be established and a recommendation be brought to the Comprehensive Plan Council Committee and then to full Council.

Councilmember Treviño noted the importance of the CCR and future discussion with the task force, Zoning Commission, and Comprehensive Plan Council Committee.

Councilmember Viagran requested the addition of a presentation to the full Council at a B Session.

Councilmember Sandoval offered her support for the CCR and requested consideration to broadening the scope of the IDZ to encompass areas outside of Loop 410.

Councilmember Treviño moved to forward said item to the Zoning Commission, the Comprehensive Plan Council Committee, and then to the full Council at a B Session. Councilmember Saldaña seconded the motion. The motion carried unanimously.

8. A Council Consideration Request by Councilmember Roberto Treviño, District 1, on the creation of a Pride Crosswalk on Main Avenue. [Peter Zanoni, Deputy City Manager].

Deputy City Manager Peter Zanoni presented the CCR on the creation of a Pride Crosswalk on Main Ave. He noted that this area of Main Ave. has been the center for the LGBTQ Community in the city and has been the site of the Annual Pride Parade. Ahead of this year's Pride Parade, citizens installed a temporary Pride Crosswalk using chalk. Staff recommended that a Pride Crosswalk be installed on a pilot program basis. Over the course of six months, the pilot program would monitor pedestrian/motorist accidents at the crosswalk, community engagement, and maintenance costs. The results of the pilot program will be forwarded to the Transportation Council Committee.

Mr. Zanoni added that staff had surveyed several other major cities that implemented specialty crosswalks and they reported little to no incidents of pedestrian/motorist accidents. He further noted the cost of the Pride Crosswalk would be covered jointly by city funds and community-driven private funds.

Councilmember Treviño highlighted the temporary chalk Pride Crosswalk as a strong indication of community enthusiasm for this initiative.

Mayor Nirenberg recognized the importance of initiatives such as this that exemplifies inclusion for all San Antonio citizens.

Councilmember Saldaña expressed his support for the CCR and the inclusion and support of a diverse minority group. Councilmember Sandoval expressed her support and noted the importance this will hold for the LGBTQ Community. Councilmember Viagran expressed her support and requested a process be established for others that would want to put specialty crosswalks in their area.

Councilmember Treviño moved to have the Pride Crosswalk installed on a pilot program basis and said results forwarded to the Transportation Council Committee. Councilmember Sandoval seconded the motion. The motion carried unanimously.

9. An Update on Council Consideration Requests referred to the Ethics Review Board. [Kevin Barthold, City Auditor].

City Auditor Kevin Barthold provided an update on the CCRs forwarded to the Ethics Review Board. He noted that there are several subcommittees discussing specific aspects of the full recommendation that will be brought forward to full Council. He noted that a full report of all recommendations would be brought to the Governance Council Committee at the next meeting of September 20th.

10. Next Scheduled Meeting: September 20, 2017.

The next Governance City Council Committee meeting was noted for September 20, 2017.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 1:15 pm.

ATTEST:

Ron Nirenberg, Mayor

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