

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



**FINAL
Meeting Minutes
City Council B Session**

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

Wednesday, April 9, 2014

2:00 PM

Municipal Plaza Building

The City Council of San Antonio convened in the “B” Room of the Municipal Plaza Building at 2:00 pm with the following Councilmembers present: Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier, Gallagher, and Mayor Castro.

1. A briefing on the \$90 million Edwards Aquifer Protection Program sales tax venue project, to include presentation of the annual report of the program's 2013 activities and the recently completed sustainability study for the Aquifer Protection Program. [Peter Zaroni, Deputy City Manager; Mike Etienne, EastPoint & Real Estate Services; Francine Romero, Chair, Conservation Advisory Board]

Peter Zaroni stated that the Edwards Aquifer Protection Program (EAPP) was approved by Voters in November 2010; subsequent to approval in 2000 and 2005. He stated that the EAPP was funded by a 1/8-Cent Local Sales Tax which generated \$30 Million annually. He noted that of the 1/8-Cent Local Sales Tax; 1/3 was allocated for the Linear Creekway Parks Development Program and 2/3 was allocated for the EAPP. He mentioned that \$167 Million had been expended to date by the EAPP. He reported that funds were utilized to purchase and preserve 119 acres of land and that \$90 Million would be collected by 2016.

Mr. Mike Etienne reported that over 90% of the city's Drinking Water came from the Edwards Aquifer (Aquifer). He stated that the Aquifer was a Karst Limestone Type of

Aquifer that recharged quickly after rainfall. He stated that the three main zones of the Aquifer were: 1) Contributing; 2) Recharge; and 3) Artesian Zones. He reported that rain water falls in the Contributing Zone and is directed into the Recharge Zone. It is subsequently stored in the Artesian Zone. He stated that most of the land purchased by the EAPP was located in Uvalde and Medina Counties where 70% of the City's Drinking Water was contributed. He noted that in May 2000, voters approved the EAPP and noted that Program's Objective was to acquire property interests located above the Aquifer to conserve the City's Main Water Source by protecting Recharge Quality and Quantity. He reported that since the EAPP began in 2000 119,825 acres have been protected over the Recharge and Contributing Zones. He reviewed the History of the EAPP, 2010 EAPP Funding, and EAPP Accomplishments from 2000 to date.

Dr. Francine Romero, Chair of the Conservation Advisory Board (CAB) stated that the CAB was comprised of nine members appointed by City Council for two-year terms with no term limits. She noted that the CAB provided input and advice to the City Council regarding the acquisition of land and the stewardship and monitoring of conservation easements acquired under the Program. She reported that two groups were established to assist Program Staff with land identification and acquisition: 1) Scientific Evaluation Team (SET) and 2) Land Acquisition Team (LAT).

Dr. Romero stated that the SET was a Science-Based Advisory Group responsible for determining the Weighting Matrix for the Geospatial Information System (GIS) Spatial Model. She noted that said Model was utilized to rank properties based on the following factors: 1) Permeability; 2) Biology; 3) Property Size; and 4) Location. She mentioned that a score of 20% or above on the Model would be required for consideration. She stated that a Land Acquisition Team (LAT) was comprised of Non-Profit Conservation Organizations who reported the availability of certain tracts of land based upon CAB and City of San Antonio (COSA) Directives. She noted that LAT Members assisted in acquisition negotiations and coordinated the due diligence necessary for each property. She reported that the majority of property interests acquired for the Program were Conservation Easements to include: 1) Voluntary Legal Agreements between the Landowner and the City that restricted future uses of the land in perpetuity; and 2) Landowner's retained ownership and certain rights, such as hunting or grazing cattle, but would give up future Development Rights. She explained that each participating Landowner would receive a sign to display indicating participation in the Program.

Dr. Romero reported that an Interlocal Agreement with the EAA was executed and states that Conservation Easements acquired over the Recharge and Contributing Zones would be monitored and inspected by the EAA and City Staff annually. She indicated that currently, no major violations were noted for any Easement Lands. She reviewed the EAPP Accomplishments for 2013 and noted that 13,030 acres were protected over the Aquifer.

She noted that the Program has received recognition at the State, National, and International Levels. She stated that a Program Sustainability Study was conducted to document the success and impact of the Program and that LMI had been selected to conduct the Study. She stated that the Study Report was completed in January 2014 and that the three areas of primary focus for the study were: 1) Comparison of the COSA Program to similar initiatives in other cities and states; 2) Analysis of Program impact on water quality; and 3) Examination of future program options. She reviewed the findings of the Study and stated that the Program Options were: 1) Continuation of the Program at current funding levels which would enable the city to continue to meet, through Recharge Zone Protection, the projected SAWS water demand from the Edwards Aquifer, assuming all SAWS Projections were realized. 2) Reduced funding would enable the City to protect some additional land over the Aquifer, but would not keep up with the city's increasing demand for water. 3) Discontinuation of the Program results in the protection of current lands, but would preclude additional land over the Recharge and Contributing Zones from being protected, and could threaten management and monitoring of existing easements. She stated that prohibiting development over the Aquifer ensured that water quality would not decrease. She added that no other program in the nation was as efficient as the EAPP and existing funds were estimated to last through April, 2016.

Councilmember Saldaña asked if any contention over Development Rights had been observed. John Dodson stated that it was not observed and noted that the City would make an offer and it was up to the Landowner to accept it.

Councilmember Nirenberg noted that the Edwards Aquifer was the City's sole source of water. He stated that he was pleased that the EAPP was exploring other options to meet the increasing water demand.

Councilmember Krier asked if SAWS concurred with the data presented. Scott Halty replied that data was gathered from SAWS for inclusion in the Report and that SAWS Representatives had verified the accuracy of said data.

Mayor Castro thanked everyone for the presentation.

2. A briefing on the San Pedro Creek Improvement Project. [Carlos J. Contreras, III, Assistant City Manager; Lori Houston, Director, Center City Development Office; Suzanne B. Scott, General Manager, San Antonio River Authority]

Ms. Lori Houston stated that in June 2012, the Mayor and City Council adopted the Center City Implementation Plan (Plan). She noted that the Plan contained recommendations for the implementation of SA2020 Visions, and included the San Pedro Creek Improvements

Project. She introduced Suzanne Scott of the San Antonio River Authority.

Ms. Suzanne Scott reported that Bexar County Commissioners Court had authorized \$700,000 for completion of a Preliminary Engineering Report (PER). She stated that the PER was completed in May 2013 with SARA serving as the Project Manager and Contract Administrator. She noted that Bexar County and the City of San Antonio executed a Letter of Agreement for interagency coordination on the San Pedro Creek Improvements Project. She stated that in December 2013, Bexar County approved the Design Budget for HDR Engineering, Inc. She noted that in February 2014, Bexar County Commissioners Court approved a Cooperative Agreement with SARA for \$15.9 Million which would be utilized for Design Services, Contract Administration, and Project Management. She noted that an Executive Committee was formed that included representatives of Bexar County, City of San Antonio, and SARA. She stated that the Committee provided oversight of the Project and meeting monthly. She reported that the Project Limits were along San Pedro Creek at the Tunnel Inlet to the confluence of San Pedro and the Apache/Alazan Creeks. She mentioned that the Project would connect with the future Apache Creekway Linear Trail and the San Antonio River Mission Reach. She listed the benefits of the Project: 1) Flood Control; 2) Cultural and Historical Significance; 3) Quality of Life; and 4) Economic Development.

Ms. Scott stated that the estimated cost of the Project was \$175 Million. She noted that Bexar County had approved \$125 Million for the Project. Public and Private Partnerships would be required to fully fund the Project. She reviewed the Character Areas of the Project where improvements would be made:

1. Town Lake (Villa Lagunilla)
2. Alameda Venue (Salon de Alameda)
3. Ancient Water (Auga Antigua)
4. The Meander (El Merodeo)
5. Main Channel (Canal Principal)
6. Lower Field (Campo Abajo)

Ms. Scott noted the benefits of the Project: 1) Improvements would create synergy with the River Walk; 2) Development Patterns would vary; 3) Economic impacts may be similar to those of the Museum Reach Project; 4) Removal of properties from the Flood Plain would catalyze development and enhance property values; 5) Area would likely see new housing development and population growth; and 6) Economic and Fiscal Impacts would be substantial. She reviewed the Economic and Fiscal Impacts of the Project and noted that the Project was scheduled for completion on the 300th Anniversary of the City of San Antonio in May 2018. She reported that the San Pedro Creek Subcommittee was created to gather Stakeholder Input and was comprised of representatives of Cultural and Downtown

Resources, Neighborhoods, and Property Owners. She spoke of the public involvement that would be included in the process.

Mayor Castro asked of the status of funds identified for the Project by Bexar County. Ms. Scott confirmed that Bexar County committed \$125 million for the Project. Mayor Castro asked of the source of the remaining funds required. Ms. Scott stated that \$30 million was identified based on the value of adjacent properties. She noted that City Staff would meet with said Property Owners to discuss donation of property to the City and the benefits for doing so. Ms. Houston noted that City Staff recommended the donation of five city properties to the Project.

Councilmember Bernal noted that said Project was not designed for Commercial Use and would benefit residents and visitors. He mentioned that the model utilized for the Mission Reach Project was very important to its success and suggested utilizing the same model for said project.

Councilmember Viagran stated that she was pleased with the connectivity provided by the Project and stressed the importance of Flood Control measures for the Project.

Councilmember Gallagher asked of communications with the Federal Emergency Management Agency (FEMA) regarding miscalculated Flood Plain Maps. Ms. Scott stated that discussions between City Staff and FEMA had occurred and would continue in the future. She noted that calculations used to create the Flood Plain Maps were based on a previous model.

Mayor Castro thanked everyone for the presentation.

EXECUTIVE SESSION

Mayor Castro recessed the meeting into executive session at 3:36 pm to discuss the following:

- A. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. 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).

- C. 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).

CITIZENS TO BE HEARD

Mayor Pro Tem Medina reconvened the meeting at 6:00 pm and announced that no action had been taken in Executive Session. He called upon the individuals registered to speak under Citizens to be Heard:

Stanley Mitchell addressed the City Council in opposition to the Streetcar Project. He expressed concern that VIA had withheld information from the Public and City Council and requested that the Streetcar Project be halted.

Richard Slife addressed the City Council against the Streetcar Project. He stated that VIA had not performed a Cost Analysis Report as indicated about the Streetcars and Buses. He urged the City Council to keep VIA Trustees from further awarding Streetcar Project Contracts.

Cate Adams addressed the City Council in opposition to the Streetcar Project. She stated that the Streetcars would crowd city streets and be costly to tax payers. She noted that trees would have to be removed to provide roadways for the Streetcars.

Tom Johnson, Alicia Torres, and Martha Maldonado representing Workers for Mi TIA addressed the City Council. Mr. Johnson spoke in favor of the Mi TIA Act and noted concerns that Hotel Employers are withholding Food Server Tips under the guise of a Service Charge. He further stated that Hotel Employers mislead Customers when asked to explain the Service Charge.

Mayor Pro Tem Medina excused himself from the meeting at this time and Councilmember Viagran presided.

Dylan Daney, Danna Schneider and Rachel Melendes representing Unite Here addressed the City Council. Ms. Schneider spoke in favor of Mi TIA and stated that the city's success was directly linked to the success of the Food Service Industry. Additionally, she provided a brief history of the Tip Integrity Act and urged the City Council to pass a Tip Integrity Act.

George Alejos, Nikki Kuhns, and Henry Rodriguez addressed the City Council. Ms. Kuhns spoke in opposition to the Streetcar Project and presented a video from a 2005 City Council in which the City Council discussed the calling of the Advanced Transportation District Election. Mr. Alejos spoke against the Streetcar Project and requested that a City Councilmember re-submit a Council Consideration Request regarding the Streetcar Project. Mr. Rodriguez also spoke in opposition to the Streetcar Project.

Annette Anderson spoke in favor of the Transparency of Tips and of the Streetcar Project Fees. She stated that the Streetcars are being built for Tourists and not the Citizens of San Antonio.

Daniel Jiwani, Sahar Manipuri, and Ahil Morani addressed the City Council. Ms. Manipuri suggested that the City purchase the land housing the Bracken Bat Cave to protect it from damaging development. Mr. Jiwani spoke in opposition to any development surrounding the Bracken Bat Cave. He stated that protecting the Cave would preserve the natural food chain and if it was not protected; natural predators would become endangered. Mr. Morani spoke of the importance of protecting the Edwards Aquifer Recharge Zone and stated that Citizens should monitor their water usage. He added that building a Housing Development over the Recharge Zone may allow harmful chemicals to leak into it. Rosena Cantella spoke on behalf of Bijaan Jiwani and urged City Councilmembers to visit the Bat Cave. She spoke of protecting the Bats and the Cave from development.

George Rodriguez expressed concern that only two Councilmembers were presented and stated that he was opposed to the Streetcar Project.

Christin Hines stated that Citizens should be given the right to vote on the Streetcar Project and Toll Roads. She provided Petition Sheets to the Councilmembers for their signature.

R.L. Wagner spoke of the need for transportation between Austin and San Antonio and expressed his concern regarding Licensing Fees on the Riverwalk.

Theresa Berlanga expressed concern that Police and Fire Benefits may be reduced. She spoke of the violence occurring in Russia.

Raymond Zavala stated that Citizens should be given the right to vote on the Streetcar Project and Toll Roads. He requested a buffer zone surrounding Haven for Hope and expressed concern that City Mowing Crews continuously knock down his retaining wall.

ADJOURNMENT

There being no further discussion, Councilmember Viagran adjourned the meeting at 7:20 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK