

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



**FINAL
Meeting Minutes
City Council B Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Wednesday, November 30, 2016

2:00 PM

Municipal Plaza Building

The City Council of San Antonio convened in the “B” Room of the Municipal Plaza Building. City Clerk Leticia Vacek took the Roll Call and noted the following Councilmembers present:

PRESENT: 10 - Mayor Taylor, Treviño, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier, and Gallagher

ABSENT: 1 - Warrick

Mrs. Vacek announced that Councilmember Warrick was in Washington, D.C. on City Business participating in the Partnership for Public Service-Delivering Outcomes with Communities Panel.

1. A Briefing on the joint Alamo Master Plan effort. [Lori Houston, Assistant City Manager]

Sheryl Sculley provided an overview of the Joint Alamo Master Plan Effort that would be completed in May 2017. Councilmember Treviño stated that this was the beginning of an important discussion with the community. He noted that the next phase would include meetings with adjacent businesses and property owners to work through the logistics of the Master Plan to address street closures and other issues. He expressed his excitement about

showcasing the Alamo's Historic Context and the transformative opportunities for the area. He stated that the project would be a catalyst for development beyond the Alamo Area through the creation of an Entertainment District in the nearby area and the opening of the Alamo Gardens. He noted that businesses across the street from The Alamo were supportive of redevelopment of the area.

Gene Powell spoke of the progress of the Committee and its work. He stated that there were two important layers of History at the site. He stated that the first was the Indigenous People's occupation of the site prior to the influx of Spanish Missionaries. He added that following the building of the Mission, it was turned over to the Indigenous People. He noted that the second layer of History was the fortification of the Mission and the Battle of The Alamo. He stated that the Alamo Area was a sacred site and should be treated as such. He mentioned that the site was very porous and visitors entered it from many different directions because there was no sense of place at the site. He expressed that the visitor should experience the site and understand the layers of History. He noted that a great deal of research had been accomplished with as many as 70 Professionals joining the effort and asked for input from the City Council.

George Skarmeeas stated that a space should be created which was very truthful to the events that occurred hundreds of years. He reviewed the History of the Area beginning with the building of the Mission in 1724. He noted that the church was one of the most recognizable Historic Buildings in the United States and around the world. He added that since 1724, many pieces of the original structure had been lost. He stated that extensive historic research, archaeological excavations, and scientific analysis had been completed. He mentioned that today there were two sites; the Mission and the 1936 Garden. He stated that an entrance, time sequence, and reverence for the site should be established. He presented several overlays depicting the site over time. He noted that over the Summer, archaeological remains were found which would help redefine the south wall and gate. He stated that it was fortunate that the Texas General Land Office acquired the properties along Alamo Street as it was the perfect location to create a Museum and Visitor Center. He noted that there was approximately 120,000 square feet in which to place a basement, three floors and a Roof Garden where the Visitor Center and Museum would be located. He noted that events could be held on the Roof Garden which would have a view of the site. He depicted the journey which visitors would take through the site to create a sense of order.

Mario Schjetnan of Grupo de Diseño Urbano stated that a Paseo would be created in order for people to proceed in sequence to the site and that it would be 600-feet long. He stated that more trees would be planted and there would be cafés and restaurants along the east and west facades. He noted that a pedestrian-oriented mixed street would be established on the north side on Houston Street where buses would drop off and pick up visitors.

Mr. Skarmas stated that the landscape treatment would connect all areas together and create a sequence from the corner of Commerce and Alamo Streets. He noted that the Cenotaph was proposed to move from its current location to an existing linear park framed by Alamo, Commerce, and Market Streets. He stated that the visitor's journey would begin on Commerce Street and end on Houston Street to the North. He reviewed the early signs of the clinical analysis of the church and noted that deterioration was occurring on a daily basis. He reported that the Texas General Land Office was completing a Historic Structure Report. He noted that the best experts on this subject would be consulted and that the following issues must be addressed:

- Original construction methods
- Selection of stone/properties
- Moisture phenomena
- Past interventions
- Environmental issues

He reported that next steps would include:

- Comprehensive testing
- Probes
- Detailed mapping
- Long-term monitoring
- Emergency interventions (as needed)
- Treatment(s)
- Visitor visitation patterns

Mayor Taylor thanked everyone for the presentation and asked of the Legislative Agenda for the development of The Alamo, Alamo Plaza, and next steps in the process. Mr. Powell stated that the Committee had been meeting with the Leadership in Austin which included the Governor, Lieutenant Governor, Speaker, and our Senators and House Members. He noted that a number of them have toured the site and a living presentation or virtual tour would be presented to them in January 2017. He stated that the Texas General Land Office has met with the Legislature every week and would end their discussions with an update on The Alamo. He noted that they were engaged at all levels and would be asking the Legislature for \$75 Million this year.

Mr. Skarmas stated that the next round of drawings and elevations would be presented in January 2017. He noted that they were hoping to receive more feedback from the City Council and other stakeholders between now and then. He stated that their goal was to

complete the Master Planning Process by April 2017 as the Master Plan must be submitted by the end of May 2017.

Mr. Powell spoke of the outreach and feedback that would occur and stated that the Texas Historical Commission would ultimately approve the project. He described the visual tour which would utilize holograms.

Mrs. Sculley stated that this was a long-term project which would likely be phased over five to ten years. She reported that in a past Session; the State appropriated \$31 Million to the project and those funds were utilized to acquire the Historic Buildings across from the church. She stated that the city was working with those businesses to relocate elsewhere in the Downtown Area. She noted that \$1 Million was approved for The Alamo in the 2012 Bond Program. She stated that \$16 Million was approved in last year's budget and had not been spent. She noted that \$22 Million would be requested as part of the 2017 Bond Program for Alamo Plaza and the street areas. She stated that the Alamo Endowment would be fundraising for this project as it would cost \$200 to \$300 Million over the life of the project. She noted that private fundraising, along with support from the City and State, would enable the project to be completed.

Councilmember Viagran asked of the distance between The Alamo and Hemisfair Park. Mr. Powell stated that Hemisfair Park was about 300 yards from The Alamo. Councilmember Viagran asked for a description of the contemporary landscape. Mr. Skarmas stated that walls around the gardens would be removed to provide a more open landscape. Councilmember Viagran asked of the Entertainment District. Mrs. Sculley stated that staff was reviewing two locations for relocation of Entertainment Type Businesses currently located across from The Alamo.

Councilmember Gonzales asked if it was proposed to close Alamo Street. Mr. Powell confirmed that Alamo Street would be closed between Commerce and Houston Streets. Councilmember Gonzales asked of the effect of air conditioning on The Alamo. Mr. Skarmas spoke of the infiltration and exfiltration of moisture and its effect on The Alamo. He stated that evidence from other Historic Buildings which were air conditioned showed that it may cause significant damage.

Councilmember Medina asked if it had been envisioned to reinstate mass at The Alamo. Mr. Powell replied that as soon as the asset was protected, a conversation regarding reinstating mass could be held.

Councilmember Gallagher stated that he would like to make The Alamo more historic without so many distractions and asked what would be done to stop the deterioration of the

church. Mr. Skarmear replied that they needed to observe the problems with the building in order to decide on the treatment. He spoke of the materials utilized to build the structure, the building method, and the effect of moisture on the building. He cautioned against the use of any treatment which was not reversible.

Councilmember Krier spoke of the integration of the City's Tricentennial. Mr. Powell spoke of the artifacts discovered on the site which dated back 10,000 years and of the density of the area.

Councilmember Lopez asked of the deterioration of The Alamo in relation to air quality. Mr. Skarmear stated that they needed to understand what kind of pollution that is in the atmosphere besides that created by automobiles at the location because at some point it becomes acid rain. He stated that this factor would be observed through monitoring.

Councilmember Saldaña asked of fundraising for the project. Mr. Powell stated that there was not a limit to the amount of fundraising for the project and that major foundations and major companies all over the world would be contacted.

Mayor Taylor thanked everyone for the presentation.

2. A Briefing on proposed amendments to City Code Chapter 33 (Vehicles for Hire) and the Operating Agreements with Transportation Network Companies. [Erik Walsh, Deputy City Manager; William McManus, Chief, Police]

Steve Baum stated that staff was proposing a new Transportation Network Company (TNC) Contract Term of one year with three optional one-year extensions executed by the City Manager. He noted that this would allow flexibility and for rates to be modified annually as needed. He stated that a new fee structure was proposed as the current fee structure included a flat fee of \$25,000 per company regardless of size. He stated that this could present a barrier for entry into the TNC Market for smaller companies. He noted that the proposed structure included a \$0.10 per trip charge for trips originating/terminating in the city limits with a minimum charge of \$10,000 not to exceed \$50,000. He stated that under the proposed contract; 10-Print Background Checks would still be City Funded and voluntary. He noted that in the New Operating Agreement; it was proposed that the TNCs would market the voluntary background checks to drivers upon hire and minimally on a quarterly basis. He noted that the city would develop an Incentive Program encouraging drivers to submit to the 10-Print Background Check. He reported the following supported changes to the Taxicab and Limousine Industry:

1. Reduce operating fees from \$440 to \$250
2. Allow multiple color schemes within the fleet
3. Eliminate additional third-party inspection
4. Adopt general dress code requirements
5. Vehicles with 15+ passengers must register with the Texas Department of Motor Vehicles
6. Eliminate driver manifests/trip reporting
7. Relax advertising restrictions
8. Electronic form submittals for Ground Transportation Unit
9. Smart Taximeters with National Institute of Standards and Technology Certifications
10. Modify dispatch requirements
11. Flexible rates – city sets maximum; companies can offer discounts
12. Allow \$5.00 surcharge at certain locations and during special events (Alamodome, AT&T Center, Freeman Coliseum, Toyota Field, official Fiesta events)

Mr. Baum stated that staff did not recommend the removal of permit caps at this time and noted that there were currently 886 permits issued. He stated that staff recommended viewing Best Practices of other cities before considering removing permit caps. He provided revenue calculations for each Industry under the current and proposed operating agreements. He noted the reduced amount of net revenue under the proposed operating agreement.

Ryan Rocha stated that staff desired to create parity among the vehicles for hire and noted that staff proposed raising the Per Trip Fee from \$1.00 to \$1.50 at the Airport. He stated that GEO Fencing could provide a solution for trip reporting for the TNCs and all three TNC Companies have GEO Fencing Technology in place. He noted that along with that capability they must be able to differentiate the staging area from the pick-up area in their GEO Fence. He stated that the following two options were available to TNCs to accomplish this:

- Option A: 3rd Party Application
- Option B: Monthly Self-Reporting subject to audit by the Aviation Department

Mr. Rocha stated that staff held several meetings with the Transportation Advisory Board (TAB) regarding the Per Trip Fee. He noted that staff proposed a \$1.25 Per Trip Fee. He stated that staff proposed eliminating the \$150 Permit Fee for Limousines which was supported by the Industry but the TAB opposed elimination of said fee. He stated that the Limousine Industry asked for a reduction of their Per Trip Fee but staff proposed that it remain at the current \$2 Per Trip Rate. He noted that the TAB proposed increasing the Airport Departure Fee from \$10.50 to \$15.00 but after discussions with the TAB and

others, that increase could not be justified. He stated that staff could visit this fee again following a Space Allocation Study and comparisons with other cities. He reviewed the Airport Revenue Calculations noting that the proposed fee structure would garner a net revenue of \$52,378.

Mayor Taylor asked of the data supporting the decrease in drunk driving. Chief McManus stated that the data demonstrated a decrease in fatalities due to drunk driving following the introduction of TNCs. He reported that usage of Uber increased five times from Halloween 2015 to Halloween 2016.

Councilmember Lopez stated that the 10-Print Background Check should be mandatory.

Councilmember Nirenberg asked of potential Legislation related to TNCs. Jeff Coyle stated that there were two bills filed already; one which would prohibit cities from regulating all transportation for hire companies except those operated by sex offenders and one which would prohibit cities from regulating TNCs with regulations applied by the State. Councilmember Nirenberg asked of the cost of incentivizing the 10-Print Background Check. Mr. Baum stated that it was proposed that TNCs market this when a driver signs on and every three months thereafter. He noted that this would be at no cost to the city. He stated that those that complete the 10-Print Background Check would be placed into a drawing for gas cards.

Councilmember Krier asked if the 10-Print Background Check would ensure someone's identity. Chief McManus stated that the 10-Print Background Check would ensure a person's identity as opposed to a background check without the 10-Print. Councilmember Krier expressed support for the staff recommendation.

Councilmember Gallagher stated that he appreciated the work on leveling the playing field for Taxicab Drivers. He mentioned the increasing number of TNC Drivers and expressed support for the 10-Print Background Check.

Councilmember Gonzales suggested that the addition of parking be added to the discussion. She spoke of TNCs extending services to Seniors and the lack of data received from TNCs.

Councilmember Viagran asked of the current number of TNC Operators. Mr. Baum stated that it was not known how many TNC Operators there were. Councilmember Viagran asked of the number of TNC Operators who had the 10-Print Background Checks. Mr. Baum stated that 373 TNC Operators had submitted to the 10-Print Background Check. Councilmember Viagran expressed concern over the elimination of the driver manifests.

Mayor Taylor stated that the city was pursuing a vision where San Antonio was to be a globally connected city where everyone was open to opportunities for prosperity. She noted that people expect to have TNC Service when they come to the city and thanked everyone for the presentation.

EXECUTIVE SESSION

Mayor Taylor recessed the meeting into Executive Session at 5:20 pm to discuss the following:

- A. 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).
- B. 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).
- C. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to a lawsuit styled Sharlene Lewis, et al v. City of San Antonio, et al, Cause No. 2015-CI-06555 pending in the 150th Judicial District Court, Bexar County, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues related to an audit of cable franchise and Public Education and Government Access fees pursuant to Texas Government Code Section 551.071 (consultation with attorney).

RECONVENED

Mayor Pro Tem Nirenberg reconvened the meeting at 6:00 pm and announced that no action was taken in Executive Session.

CITIZENS TO BE HEARD

Mayor Pro Tem Nirenberg called upon the citizens registered to speak.

Marvin Peretz expressed opposition to the recommended changes to Chapter 33 noting that they did not level the playing field between Taxicabs and Transportation Network Companies (TNCs).

Mark Perez addressed the City Council and expressed concern with the many businesses operating throughout the city without the proper permits.

Alberto Garcia spoke in favor of TNCs noting that they were filling a transportation need.

Antonio Diaz expressed concern with the potential closure of Alamo Street and stated that he would like to have input. He asked when the City Council would recognize Indigenous Peoples Day.

Jessica Estorga spoke in support of TNCs and noted that it was not easy to access the 10-Print Background Checks. She noted that TNCs already performed regular Background Checks.

Celina Escamilla asked the City Council to keep security and safety in mind when making a decision regarding TNCs.

Nazirite Ruben Flores Perez stated that he was supportive of the Proposed Annexation of Hwy 281 North and spoke of the importance of Public Safety.

David Heard, Volunteer CEO of Tech Bloc, spoke in support of keeping Rideshare Services in San Antonio. He stated that the Pilot Program had been successful and that they had received 400 signatures in favor of TNCs.

Robert Gonzales stated that he had been in the Taxicab Industry for 36 years and was concerned that TNC Drivers were not required to receive a 10-Print Background Check. He spoke of the problems that had occurred with TNC Drivers and noted concerns for public safety.

Charles English, President of the Jefferson Heights Neighborhood Association, stated that he had filed an appeal for his mother's home that had Code Violations. He noted that criminal charges were filed against him but he was not the owner of the home. He asked for assistance from the City Council.

Wayne Peretz spoke in opposition to the changes to Chapter 33 noting that the changes did not provide for a level playing field.

Larry Ramirez stated that he was a Taxi Driver opposed to the changes to Chapter 33. He noted that TNCs were a risk to public safety and that Taxicabs have always been regulated.

Chris Tobar stated that he was the Owner of First Aid Plumbing and supportive of Homeserve and Water Service Agreement. He noted that they have helped many people in San Antonio and highlighted the benefits.

Lance Aaron noted concerns with the proposed Master Plan for The Alamo and asked that the Cenotaph not be moved.

Meredith McGuire stated that she was speaking on behalf of the Alamo Sierra Club in opposition to the Proposed Hwy 281 Annexation.

Faris Hodge, Jr. submitted written testimony noting that Bexar County leads the State in Jail Suicides since 2009. He requested that topless bars be better regulated. He expressed concern that SAWS has too many projects occurring at the same time.

ADJOURNMENT

There being no further discussion, Mayor Pro Tem Nirenberg adjourned the meeting at 6:55 pm.

APPROVED

IVY R. TAYLOR
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/CMC/MMC
CITY CLERK