

**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, November 20, 2013

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, Goñales, Lopez, Medina, Nirenberg, Krier, Soules, and Mayor Castro. ABSENT: None.

1. Staff briefing on transportation planning policy areas to include TxDOT State Roadway Turn Back proposal and the Alamo Regional Mobility Authority \$1 Billion transportation infrastructure improvements proposal. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

Mike Frisbie provided a briefing on two recent Transportation Policy Proposals: 1) Texas Department of Transportation (TxDOT) State Roadway Turn Back Proposal; and 2) Alamo Regional Mobility Authority (RMA) \$1 Billion Proposed Mobility Plan. He outlined the TxDOT Turn Back Proposal noting that it was a Statewide Initiative to transfer the maintenance of State-Owned Roadways back to Local Governments. He stated that there were 22 State Roadways in San Antonio totaling 129 Centerline Miles. He noted that there was a potential one-time financial incentive of up to \$22,000 per lane mile from TxDOT for voluntary acceptance. He added that the TxDOT Maintenance Savings would remain in the San Antonio District and would not affect Metropolitan Planning Organization (MPO) Funding.

Mr. Frisbie presented a map and list of the State Roadways and reported that State Transportation Code requires municipalities to be responsible for roadways within their jurisdiction. However, TxDOT maintains State Roads within San Antonio per a 1974 Municipal Maintenance Agreement. He indicated that turning back maintenance of State Roads to San Antonio would require action by the Texas Transportation Commission. He stated that based on a recent survey; most Local Governments are not participating in the program. He reported that Bexar County plans to assume maintenance of 7.6 miles along Blanco and South Presa Streets, outside the City Limits.

Mr. Frisbie stated that a Multi-Department Analysis had been conducted of current conditions, required maintenance, functionality, and redevelopment potential. He reported that there would be an unfunded \$18 Million annual maintenance cost for all 129 miles of State Roadways. He indicated that TxDOT's one-time financial incentive of \$22,000 per lane mile was insufficient. He added that initial results of the City's Comprehensive Plan were anticipated in Spring 2014. He stated that without an additional revenue source, the City would stretch existing funds to cover the additional maintenance miles. He noted that the Texas Municipal League would advocate for a new local option revenue source in the 2015 Legislative Session to assist cities with Street Maintenance.

In regard to the \$1 Billion RMA Proposal, Mr. Frisbie stated that the funds would be used to add capacity to US Hwy 281, IH-10, and Loop 1604. He noted that the proposed partnership would include Bexar County, TxDOT, RMA, MPO and the City of San Antonio. He reported that three of the four projects were proposed to be tolled and provided maps of the areas. He explained that Bexar County was proposing to use ½ of the new \$10 Vehicle Registration Fee Capacity to generate \$75 Million in Bond Funds. He indicated that the RMA was proposing to bond future toll revenues and that the City was asked to contribute \$30-40 Million in Advanced Transportation District (ATD) Funds for the Loop 1604 Potranco to Hwy 90 Project.

Mr. Frisbie outlined the three alternatives that include: 1) Take back no roads at this time; 2) Take back some select roads; or 3) Take back all 129 miles of roads.

Mayor Castro thanked staff for the presentation and asked of the annual funding gap to the city if it took back 129 miles of roads. Mr. Frisbie replied that there would be a gap of \$18 Million per year. Mayor Castro spoke of the importance of working with other entities and asked of the potential of using the full \$75 Million generated by Bexar County from the new \$10 Vehicle Registration Fee. He asked of the tolled versus non-tolled roads. Mr. Frisbie stated that there were projects currently funded and those would be non-tolled. Mayor Castro stated that the city needed to work on something that was doable and expressed concern with the \$18 Million annual funding gap. He added that all entities should work together on a solution.

Councilmember Lopez stated that the 129 lane miles was the total inventory and asked of the expected miles the city would be required to take over. Mr. Frisbie replied that there was some

flexibility as it would be challenging for the city to take over all 129 miles.

Mr. Frisbie noted that staff would continue working on options based on Council Feedback. Councilmember Lopez spoke of the funding support needed at the Federal Level and thanked staff for their work.

Councilmember Krier stated that he would like to continue discussions with TxDOT and identify ways to minimize the city's expenses such as a potential agreement with the RMA.

Councilmember Soules asked of the tie between taking back roads and the RMA Proposal that includes toll roads. Mr. Frisbie responded that TxDOT would contribute \$70 Million in new revenues if the city takes back maintenance of the 129 miles of State Roadways. Councilmember Soules noted that the Northside Projects are tolled but the Westside Projects are not tolled and asked that staff review same. Mr. Frisbie stated that they would explore same with the MPO.

Councilmember Nirenberg asked of the turn back miles of other Texas Cities. Mr. Frisbie stated that Austin had 72 miles; Dallas had 100 miles; Houston had 38 miles; and Fort Worth had 75 miles. Councilmember Nirenberg asked how they were considering to address the proposal. Mr. Frisbie replied that he did not have that information and that negotiations were currently underway. Councilmember Nirenberg expressed concern with the heavy amount of toll roads and asked of the Maintenance Agreement with TxDOT. Anthony Chukwudolue stated that the agreement requires TxDOT to maintain the streets. Mr. Frisbie added that the Turn Back Proposal was voluntary at this time but the Transportation Commission could vote unilaterally to turn the streets back to the city.

Councilmember Lopez asked if Loop 1604 would always have a level of free lanes and managed lanes. Mr. Frisbie confirmed same. Councilmember Gonzales requested the amount of miles for each of the 22 Roadways. Councilmember Saldaña asked of the process for each of the cities to respond to the proposal. Mr. Frisbie indicated that each city could decide whether or not to take back maintenance of the roadways. He added that it would not affect the MPO Funding Process.

Mayor Castro thanked staff for the presentation.

2. Staff briefing on the Limited Purpose Annexation of South San Antonio Areas 1 – 4. [David Ellison, Assistant City Manager; John Dugan, Director, Planning and Community Development]

John Dugan presented on the Limited Purpose Annexation and the Dissolution of the City South Management Authority (CSA). He stated that Senate Bill 1493 effective September 2011 required a study of CSMA Effectiveness. He noted that the Effectiveness Study recommended a

strategy to phase out the CSMA. He indicated that the City Council had adopted the option to annex areas impacted by economic development nodes; modify land use and zoning to encourage economic development; and dissolve the Management Authority. He stated that the report was submitted to the Legislature in December 2012.

Mr. Dugan explained that the Effectiveness Study recommendations were evaluated based on applicable City of San Antonio Policies. He reported that the City's Annexation Policy was adopted in February, 2013 and highlighted several policies. These include protecting the ability to expand the City Limits and extending regulations before development occurs on undeveloped land where growth is anticipated. He indicated that Limited Purpose Annexation was the chosen annexation method which would afford the city further time to study Full-Purpose Annexation. He stated that it would allow the extension of city limits to extend health, safety, and planning ordinances. He noted that it did not require the city to extend services until annexed for full purposes. He added that the city would not collect property or sales taxes and would not extend the Extra Territorial Jurisdiction (ETJ). He explained that the city must offer a Development Agreement to areas appraised for Agricultural, Wildlife Management, or Timber Management Uses.

Mr. Dugan highlighted the 180 properties eligible for Development Agreement and stated that they would be offered 10-Year Non-Annexation Terms. He spoke of the required Planning Study and Regulatory Plan and noted that the area would be annexed within three years. He noted the city's required actions during that time which include creating a land use and intensity plan for basic city services. He provided demographics for the four Areas proposed for LPA. He reported that the Planning Commission recommended approval of LPA for Areas 1 and 2; Partial Approval of Area 3; and denial of Area 4. He noted that the Planning Commission recommendation removed Baker/Hughes, Thornton Steel, Halliburton, and Weatherford from the LPA Proposal.

Mr. Dugan provided an overview of the Initial Fiscal Impact with three Interim Fire Stations ranging from \$6.7 to \$13.6 Million and with two Interim Fire Stations ranging from \$4.2 to \$7.5 Million. He outlined key dates in which an Open House would be conducted in November and City Council would consider approval in January 2014.

Mayor Castro thanked staff for the presentation.

Councilmember Saldaña stated that he was pleased with the growth occurring on the South Side and asked of the Fire Stations. Mr. Dugan replied that there were several options and that there could be two or three Interim Fire Stations.

Councilmember Saldaña asked of the dissolution of the CSMA. Mr. Dugan responded that once CSMA is dissolved, revised zoning for the land must be provided within 90 days.

Councilmember Viagran thanked staff for their work and asked if the current CSMA Zoning

would be transferred after its dissolution. Mr. Dugan replied that the area had special zoning and that zoning recommendations would be presented to the City Council.

Councilmember Soules asked of the standard for Fire Services. Chief Hood stated that they were looking to provide the same response times as were currently provided within the city. Discussion ensued regarding travel time from the Fire Department. Mr. Dugan added that they would have three years to finalize said issues.

Councilmember Bernal referenced the letter that was received from County Judge Nelson Wolff in support of the Committee to Incorporate Sandy Oaks should the City approve the incorporation request. He asked of the concerns expressed by the Committee to Incorporate Sandy Oaks. Mr. Dugan replied that they were concerned that the city would annex various commercial properties that provide sales taxes.

Councilmember Krier asked of the four commercial properties removed from the LPA. Mr. Dugan replied that they had mixed feelings about being removed and that they were interested in pursuing tax abatement agreements.

Councilmember Nirenberg asked of the current number of homes and the future projections. Mr. Dugan replied that there were 3,300 people in all four areas and projected the population to grow to 10,400.

Councilmember Taylor stated that she was conflicted due to the many properties inside the city that had not been fully developed.

Mayor Castro thanked staff for the presentation.

RECESSED

Mayor Castro recessed the meeting into executive session at 3:53 pm to discuss the following:

- A. 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).

- B. Deliberate the appointment, evaluation and duties of public officers and discuss legal issues pursuant to Texas Government Code Section 551.074 (personnel matters) and Texas Government Code Section 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).

- D. 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).

CITIZENS TO BE HEARD

Mayor Castro reconvened the meeting at 6:02 pm and announced that no action was taken in Executive Session. He called upon the individuals registered to speak.

Beth Webster Wright stated that she opened the San Antonio Furniture Bank to provide furniture to residents of shelters and to victims of natural disasters in the greater San Antonio area. She noted that they operate with volunteer staffing and asked the City for their support.

Rose Kanusky stated that HEB Grocery has proposed closing a portion of South Main Avenue and expressed concern that their proposed plan would violate the basic principles of Urban Design and over time would decrease property values. She noted that 1,800 signatures have been gathered in opposition to the street closure and asked the City Council to deny the request.

Mike Roberts stated that he was a Desert Storm Veteran who was homeless for two years before the San Antonio Housing Authority and Veterans Administration provided assistance in securing an apartment for him. He spoke in support of the services provided by the San Antonio Furniture Bank.

David Patterson stated that he was also a Veteran of Desert Storm and supportive of the services provided by the San Antonio Furniture Bank.

Annette Anderson spoke of the four ladies who were incarcerated in 1998 and noted that the evidence and key witness in the case were unreliable. She asked that the City make a public apology to the ladies convicted and that those in charge of the investigation be held accountable.

Phillip Anderson spoke in opposition to toll roads and noted that many roads in the City were in disrepair. He thanked Veterans for their service in the Gulf War and spoke in support of the San Antonio Four.

Ruben Ciriacks spoke in opposition to the closing of South Main Street and stressed the need to

keep Downtown open to pedestrian and bicycle traffic.

Mark Kellmann stated that he was an Architect and noted that the current Request for Qualifications (RFQ) for Hemisfair Park sought a Landscape Architect. He stated that Urban Design dictates that building architecture and landscape architecture should be accomplished at the same time.

Simon Martinez stated that he opposes limited annexation in South Bexar County. He indicated that the residents in said area received little notice prior to the public meeting and expressed concern with the impact of annexation to a large contingent of Senior Citizens.

Meredith McGuire stated that City Council should reject the San Antonio Water System (SAWS) Rate Proposal because it unfairly burdens residential rate payers and fails to promote significant conservation measures that must be undertaken immediately.

Mel Laracey stated that Urban Planning Experts and Architects have said that it was not a good idea to create Super Blocks in Downtown Areas. He asked that the HEB Project be delayed until other options have been explored.

Don Dixon spoke in opposition to the decision of the State to turn State Roads over to Cities and Counties. He added that he opposed the Alamo Regional Mobility Authority's Proposal to toll many roads.

Mark Perez stated that City Public Service (CPS) Energy Employees should not be receiving large bonuses. He expressed concern with businesses in the City that were operating without the proper permits.

Nazirite Ruben Flores Perez spoke of contamination of the ground, water, and trees.

Art Martinez de Vara, Attorney for the Committee to Incorporate Sandy Oaks spoke in support of their request for Incorporation. He noted that in order to have the necessary tax base to support the cost of City Services, the Committee to Incorporate Sandy Oaks proposed the incorporation of a four square mile area. He reported that the City of San Antonio Planning Commission reviewed and approved the petition for incorporation of the four square mile proposal. He implored the City Council to approve the petition to incorporate Sandy Oaks.

Pedro Orduno, Chairman of the Committee to Incorporate Sandy Oaks stated that there were over 5,000 residents in the proposed area and State Law dictates the size of an incorporated area based on the population. He noted that the Planning and Community Development Department proposed an alternative which would allow for more land to be incorporated to the south.

Deborah Wright stated that she had previously addressed Zoning Case number Z2014007 and expressed concern with the four-story buildings that would be developed which would face

residents of Cinnamon Creek. She asked the City Council to deny the zoning request.

Aurelina Prado of the South Bexar County Residents Against Annexation stated that 325 petitions against Annexation by the City of San Antonio (COSA) had been received. She indicated that residents of South Bexar County were not informed of the decision to annex by the City of San Antonio and asked that the residents of said area be able to vote on the proposed Annexation.

Lucy Adame-Clark of the South Bexar County Residents Against Annexation stated that she had met with many residents of the proposed Annexation Area and they were concerned with the fees and Code Compliance that would be required. She noted that many of the residents had moved from the City to South Bexar County to avoid restrictions.

Chris Prado of the South Bexar County Residents Against Annexation stated that under Limited Purpose Annexation; brush pick-up would not be available. He expressed concern that a Burn Permit would cost approximately \$235.00 and that permits for animals would also be required.

Nick Calzoncit stated that he has operated a television program for almost 30 years which was broadcast on Channel 20. He requested a list of City-Owned Property.

Faris Hodge, Jr. submitted written testimony noting that the San Antonio Zoo should reduce their water usage. He noted that a bright future was in store for the Children's Lighthouse and that the Komen Foundation had provided \$1 Million toward Cancer Research. He expressed concern with the increase to SAWS and CPS Rates. He wrote that he would welcome more services at the Bexar County Tax Office and that Texas needed a new solution for Highway Funding.

ADJOURNMENT

There being no further discussion, Mayor Castro adjourned the meeting at 7:13 pm.

APPROVED

JULIÁN CASTRO
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC
CITY CLERK