

City of San Antonio



Minutes Planning and Community Development Committee

2023 – 2025 Council Members

Dr. Adriana Rocha Garcia, Dist. 4
Phyllis Viagran, Dist. 3 | Teri Castillo, Dist. 5
Manny Pelaez, Dist. 8 | John Courage, Dist. 9

Thursday, June 27, 2024

11:00 AM

City Hall

The Planning and Community Development Council Committee convened a regular meeting in the City Hall Council Briefing Room beginning at 11:03 AM. Deputy City Clerk Aurora Perkins took the Roll Call noting a quorum with the following Committee Members present:

Members Present: Dr. Adriana Rocha Garcia, *Chair*
Phyllis Viagran, *Member*
Teri Castillo, *Member*
Manny Pelaez, *Member*
John Courage, *Member*

Members Absent: None

Approval of Minutes

1. Approval of minutes from May 20, 2024 Planning and Community Development Committee Meeting

Councilmember Castillo moved to Approve the minutes of the May 20, 2024 Planning and Community Development Committee meeting. Councilmember Courage seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Courage
Absent: Pelaez

Public Comment

All individuals spoke on Item 2.

Dan Snyder, President of Snyder LTD., spoke to the benefits of the Auto Recycling industry within the San Antonio area and the general economy in general. He stressed the strong environmental requirements of the industry which the industry followed.

Lloyd Welty, Vice President of Pick N Pull, spoke to the benefits of the auto recycling industry and spoke to the need for expanded code enforcement for all recycling industries. He stressed the importance of equity for all inspections.

Debra Ponce spoke to the need of equitable code enforcement for all metal recycling industry sectors and the concerns of South Side residents of non-regulated recyclers.

John Johnson, a local attorney who represents area recycling companies, spoke to the importance of enforcement of City Code – Chapter 16 regulations for all areas of the recycling industry. He spoke to recent litigation and evidence associated with lawsuits and made recommendations for enforcement, training, and other concerns. He supported the establishment of the Recycling Industry Taskforce.

Jay Eisen, former executive in the recycling industry and current consultant, spoke to the excellent recycling industry in the San Antonio area and supported continuous regulations to support the industry. He offered to be a member of the recycling task force.

Jennifer Jackson with Longhorn Recycling spoke to the company's standard for meeting regulations and expressed concerns of non-compliant companies and offered to be considered as a member of the task force.

Allan Swayze of CMC Recycling spoke to the qualifications and history of his company and his expertise in the recycling industry. He offered to volunteer for the task force establishing regulations for the industry.

DeeDee Belmares, a clean energy advocate, spoke to her support of the establishment of an auto and metal industry task force and spoke of community concerns of non-compliance of code requirements of bad actor recyclers. She recommended that Debra Ponce be considered for membership on the task force.

David Vexler of Monterrey Metal Recyclers expressed his support of the evaluation of Chapter 16 requirements and requested that Jordan Vexler be considered as a member of the task force.

Rudy Lopez, President of the Thompson Neighborhood Association, spoke to his concerns of the impact of bad actor recycling companies and the need for expanded regulations for the metal recycling industry. He reiterated the negative impact of fire incidents on residents and stressed the importance of the task force establishment and review of the code.

Joey Cipriano, member of the Thompson Neighborhood Association, spoke to the need for updated regulations under Chapter 16 code regulations and asked for consideration to be a member of the

task force. He stressed that bad actor companies should not be considered to be a part of the task force.

Briefing and Possible Action on

2. Briefing and possible action on a City Council Consideration Request (CCR) to evaluate Chapter 11 Fire Prevention and Chapter 16 Licenses and Business Regulations for Used Automotive Parts Recyclers and Metal Recycling Entities. [John Peterek, Interim Assistant City Manager; Michael Shannon, Director, Development Services]

Amin Tomahz, Assistant Director of the Development Services Department (DSD), provided an overview of the Chapter 16 City Code Ordinance. He provided background on the industry which included metal recycling entities (MRE) and used auto part recycling entities (UAPR). Tomahz stated that an MRE was defined in City Code, Chapter 16-203 as an entity acquiring and purchasing scrap, used or obsolete ferrous or nonferrous metals. He noted that a UAPR was defined in City Code, Chapter 16-186 as an entity that conducted dismantling and reuse or resale of automotive parts and safely disposed of salvaged motor vehicles or non-repairable motor vehicles, including the resale of those vehicles.

Tomahz noted that on November 27, 2023, a CCR was submitted by Councilmember Castillo requesting consideration for the creation of a task force to address the recycling industry City Code requirements and code enforcement of the industry.

Tomahz reviewed the focus areas of the issue which included: 1) Timeline and process for issuing and resolving citations; 2) Fines for recurring violations; and 3) Identifying a threshold for triggering heavier enforcement mechanisms until violations and citations were resolved. He stated that enforcement could include temporarily ceasing operations, requirements of fence line air monitors for a limited time, removal of non-conforming uses, and fines to recoup City services used to address violations and emergencies.

Tomahz spoke to staff recommendations for the composition of a task force which was to have 10 members chosen by Councilmembers and 10 industry representatives (5 MRE, 5 UAPR). He stated that City staff should also be included from the departments of the City Attorney's Office, the Development Services Department, the San Antonio Police Department, Metro Health, the San Antonio Fire Department, and the Solid Waste Department. He noted that other agencies such as the TCEQ and SAWS would also participate on an advisory level. Tomahz stated that industry representatives would be required to be licensed operators, geographically diverse, have no current violation in their last code inspection, and have no current citations.

Tomahz reviewed data on the locations of MRE and UAPR entities within the City. He stated that there were 76 license holders with the majority of the recyclers in Council District 4 but others were also located in Districts 1, 2, 3, and 5.

Tomahz provided an overview of the projected timeline for the establishment of the task force which would begin in July 2024. He stated that the task force meeting would occur from July 2024 through August 2024.

DISCUSSION

Chair Rocha Garcia thanked Councilmember Castillo for the submission of the CCR and of her concerns of the growth and impact to recycling bad actors within the South and West Sides. She stated that the City was dealing with the aftermath of poor city planning in the past with the locations of these entities and added that the review of recent events provided an opportunity to review code enforcement. She thanked staff, members of the industry, and residents who spoke in favor of the task force establishment.

Chair Rocha Garcia expressed her concern of the composition of the task force and all council districts having one representative on the task force. She asked for continued discussions to have more representation from council districts that were more directly impacted by the recycling entities which were Council Districts 1-6. She stated that the council districts that were more deeply impacted should have a more equitable say on who was to be on the task force.

Chair Rocha Garcia asked where the majority of the violations were coming from. Director Mike Shannon stated that most violations came from Council Districts 4 and 5 but stated that exact data would be provided to the Committee. Chair Rocha Garcia requested data to be provided by percentage by council district. Shannon stated that the staff would provide the information.

Chair Rocha Garcia asked for clarity on pre-inspection practices of entities within DSD. Tomahz stated that there was not currently a requirement for pre-inspections but this was a topic that would be considered for the task force. He clarified that entities were inspected usually every month and could be pushed to quarterly inspections for entities who were in good and long-standing compliance. He clarified that those entities were inspected quarterly to concentrate on entities that were failing or were bad actors. Tomahz added that this issue could also be addressed by the task force.

Chair Rocha Garcia asked if there were tire recyclers that were not inspected as mentioned by Mr. Welty during public comment. Tomahz stated that he was not aware of non-inspections and would meet with Mr. Welty to gather more information.

Chair Rocha Garcia spoke to the recommendations presented by public comment speaker John Johnson and asked for a review of his recommendation document. She also requested that public comment recommendations be considered by staff to include the acquisition of equipment to better assist Code Officers and increasing training which could be considered in the upcoming Budget process. She also supported the concept of declaring repeat offenders as public nuisances and requested consideration by the task force.

Councilmember Castillo thanked the public comment speakers who made recommendations for the task force. She stated that the CCR came forward from the concerns of residents surrounding the recycling entities, State and local regulations, and the need for review. She stressed the importance of the development of regulations to address bad actors and community concerns for environmental and health concerns of area residents and first responders who responded to emergencies associated with these sites. She thanked members of the Council District 5 neighborhood associations and others who worked collaboratively to address concerns.

Councilmember Castillo stressed that the goal of regulations was not to remove recycling entities but to make sure that the health and environmental concerns of residents and workers at those sites were guarded. She stressed the need to address possible updates to the City Code for MRE and UAPRs. She was supportive of the staff's task force recommendations and the timeline establishment but asked for consideration of district-specific seat representatives who did not work for or be recyclers but were community members that directly impacted by the recycling sites. She asked that bad actors or entities that had revoked licenses not be considered as representatives but that their comments could be heard during public comment. She asked that alternate members to the task force be considered.

Councilmember Castillo thanked Chair Rocha Garcia for agendaing the Item and staff for addressing the CCR she submitted on this issue promptly.

Councilmember Viagran stated that it was important to consider regulations to build good neighbor recycling companies. She noted that the industry review needed to be innovative, collaborative and address new technologies. She supported the staff recommendations on the inclusion of industry representatives on the task force and also residents impacted by the industry.

Councilmember Viagran stated that she did not support additional parameters but supported the inclusion of industry experts from any council district and the addition of alternates to the task force. Councilmember Viagran supported increased representation for council districts more impacted by the industry and asked for consideration of alternates to the task force. She stated that it was important to build collaboration and community member representation.

Councilmember Pelaez stressed the importance of being good neighbors in the community including those in the recycling industry. He noted the importance of the industry to the community but that resident concerns needed to be considered for improved health and environmental issues.

Councilmember Pelaez supported the development of the task force and the inclusion of representation from community members, industry entities, and environmental experts. He stated that it was important to get representatives from all levels of the industry for all categories of the recycling cycle on the task force.

Councilmember Courage stated that this was a City-wide concern and not just those that had the majority of industry entities within their council districts. He stressed that it was important to get a collaborative solution from the entire City Council and supported the inclusion of stakeholders impacted by the industry in the task force. He gave his commitment to work with highly impacted council districts on appointing members to the task force and asked other council districts to consider doing the same.

Councilmember Courage asked for consideration for the industry representatives to meet to make a holistic recommendation for who should represent them on the task force. He also supported the inclusion of alternates on the task force to ensure full representation. He asked for clarification on City staff and other agencies' representation on the task force. Tomahz stated that they would be on the task force to provide information and would be non-voting. He added that

other individuals and organizations would be available to provide expert input.

Councilmember Courage requested consideration of discussions on reviews of the entire Ordinance and not just those reviewed as focus areas in the presentation. Tomahz stated that new technologies and the entire Ordinance would be reviewed.

Councilmember Courage acknowledged that the task force would meet biweekly over the next six months but asked for consideration of the establishment of subcommittees to address pertinent issues and provide feedback to the main task force.

Councilmember Pelaez requested consideration of entities that did have violations in the past which would build a more honest discussion of needs in the industry. Tomahz stated that licensed entities would be considered and that some did have inspection violations that could be addressed. Councilmember Pelaez stressed the need for full representation of entities in or formerly in the industry. Tomahz stated that staff analyzed the most recent inspection violations but could consider the Committee's input. Interim Assistant City Manager John Peterek clarified further that only the most recent inspections would be considered and not older inspections. Councilmember Pelaez stated that he was not opposed to entities with civil citations being on the task force.

Councilmember Courage did not support the inclusion of entities with recent violations to the task force. He stressed that consideration be made for industry peers to recommend appointments to the task force even if they had previous violations. He asked that any entity in current litigation with the City not be considered as members.

Councilmember Courage requested clarification on the Committee's role in determining the makeup of the task force which could include alternates, consideration of violations, or subcommittees. Peterek clarified that staff was seeking a clear motion with direction on the composition of the task force membership.

Councilmember Castillo stated that she supported the inclusion of no code violations on inspections. She stressed that while violations were considered civil it was important to consider the impacts to the general public and public safety personnel that responded to emergency events. She noted that it was important to include a public comment component to the task force meetings to hear input by residents and others impacted by recycling activity or have expert input considered.

Councilmember Castillo noted her support of council districts with a higher concentration of these types of entities or have the greatest impact from these entities having a higher representation on the task force. She stated that she supported the addition of alternates on the task force.

Tomahz clarified that citations issued under Chapter 16 were not considered civil but were Class C misdemeanor criminal citations. Councilmember Pelaez then stated that he would not support members who had criminal citations on the task force but did support the representation of members from council districts where the entities exist.

Councilmember Pelaez made a motion to accept staff recommendations with the following

amendments which were that the 10 members chosen by the City Council reside in Council Districts 1-6 and have no current lawsuits with the City. Councilmember Courage seconded the motion.

Councilmember Viagran expressed concern regarding appointing representatives only residing in Council Districts 1-6. She stated that she did not support limitations on who was being appointed since there could be industry or environmental experts that resided outside Council Districts 1-6. She noted that while her council district only had one recycling entity, her residents were highly impacted by neighboring districts that had a larger number of recycling entities due to winds/climate or proximity of traveling through those council districts.

Councilmember Viagran moved to include the staff recommendations of 10 industry and 10 residents on the task force and consideration to ensure equal representation of experts and business entities. She expressed concern regarding the time available to appoint members and alternates from impacted council districts to the task force by July 2024. She stated that she recommended that Council Districts 1-6 each have representation and the other four members be considered alternates that could be appointed by other council districts. She stressed the need for collaboration and discussion to ensure good representation on the task force.

Councilmember Courage spoke of his concerns about the lack of trust in equitable representation within the entire City Council and spoke to his commitment to be collaborative in appointing members. He asked for consideration of Councilmembers being able to appoint who they desired except representatives of the recycling industry. He stated that this would allow all council districts to have community members. He agreed with the appointment of alternates and to hear recommendations from the recycling community to be their representatives.

Chair Rocha Garcia asked that consideration be given to having Council Districts 1-6 each have one representative and that Council Districts 4 and 5 each have an additional representative with the final two being at large members.

Councilmember Viagran asked for clarification if legally each council district needed to have representation on the task force. Shannon clarified that the task force was not bound to the same requirements as a board or commission and could be made up to best address the issue at hand. He stressed the need for it to be balanced with community and industry representation. Peterek stressed that input was sought from the Committee to move forward with appointments for the task force and meet the recommended timeline. Councilmember Viagran stated that she supported Chair Rocha Garcia's recommended friendly amendment.

Councilmember Castillo supported Chair Rocha Garcia's recommendation and asked that a subcommittee be established to address the community at large positions to present to staff and stressed that she wanted to keep the time line presented by staff. Peterek stated that this could be done but that it could take additional time to complete and that staff would continue to move forward in identifying industry representation. Councilmember Castillo stated that she was fine with staff moving forward with industry spots being identified by staff but stressed the need for council districts to identify community representation for fair representation.

Shannon stated that staff would work to build a balanced task force and would communicate to the

Committee to address any imbalance concerns. He supported the addition of alternates and would work with the recommendations of the Committee to ensure equity and balance.

Chair Rocha Garcia stated that she assigned Councilmembers Viagran and Castillo to a subcommittee to address at large appointments.

Councilmember Pelaez noted that an amended motion was needed. He reiterated that the City Council would work together to address this issue and he respected the need to address it with a focus on Council Districts 1-6.

Councilmember Castillo moved to Amend the staff recommendations of the task force to be made up of one community representative each for Council Districts 1-6, four alternate members as identified by the subcommittee appointed by Chair Rocha Garcia and that no member on the task force be in an active lawsuit with the City. Councilmember Pelaez seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Pelaez, Courage

3. Briefing and possible action to update Chapter 6, Building, Section 6-155, and Chapter 10, Building-Related Codes, Section 10-14(f), Building-Related and Fire Codes Appeals and Advisory Board Committees. [John Peterek, Interim Assistant City Manager; Michael Shannon, Director, Development Services]

Amin Tomahz provided an update on proposed changes to City Code Chapter 6, Section 6-155 (Building Code) associated with the Building Standards Board Committee; and Chapter 10, Section 10-14, Building Related and Fire Codes Appeals and Advisory Board Committees. He noted that staff had established subcommittees to assist with the review of certain items to include the sign code but they currently were not able to vote on Items. Tomahz stated that the proposed changes would add the ability for all Subcommittee members to vote on Items while adding transparency and inclusivity to the Committee review process.

Tomahz spoke to the composition of the Building Standards Board (BSB) which was made up of 14 voting members. He noted that it was a quasi-judicial board that heard appeals and violations to the San Antonio Property Maintenance Code (SAPMC) associated with orders for repair or demolitions (as a last resort) of dangerous and distressed buildings. He added that subcommittees were added as needed to review City Code standards.

Tomahz stated that the BSB proposed changes that would clarify the subcommittees' makeup as four to six board members and no more to ensure that a walking quorum did not occur. He stated that change would allow up to four non-appointed members or one less than the number of board members to be on a subcommittee. He added that this would allow non-appointed members to vote and count towards a quorum.

Tomahz noted that this recommendation was similar to what was being proposed for the Building Related and Fire Codes Appeal and Advisory Board (Construction Board) which heard and decided on appeals of Building Official's or Fire Chief's interpretation of Chapters 10, 11, and

specific articles in Chapter 28 of the City Code. He stated that the board had 17 voting members and 17 alternate members who were qualified by experience and training related to building and fire-related codes. He added that no City employees were on the Board.

Tomahz reviewed the proposed changes to the board which included having four to seven board members with alternates and changing the number of non-appointed members from four or one less than the board to avoid walking quorum issues. He stated that proposed changes would allow for non-appointed members to vote and count towards a quorum. He added that if the proposed changes were approved, the Board bylaws would need to be updated.

Tomahz reviewed the timeline for the proposed changes to include full City Council consideration in August 2024.

There was no discussion by the Committee Members on this Item.

Councilmember Viagran moved to Approve. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Pelaez, Courage

- 4. Briefing and possible action on the FY 2025 Annual Action Plan and Budget for the City's four U.S. Department of Housing and Urban Development entitlement grant programs including the Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS Program.**
[Lori Houston, Assistant City Manager; Veronica Garcia, Director, Neighborhood and Housing Services Department]

Veronica Gonzalez, Assistant Director for the Neighborhood and Housing Services Department (NHSD), provided an overview of the FY 2025 HUD Annual Action Plan. She stated that the City of San Antonio received HUD funding for four grant programs which included Community Development Block Grants (CDBG), HOME Investment Partnership Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant which serviced people currently experiencing or at risk for homelessness.

Gonzalez reviewed the City's meeting for the HUD requirement to fit into one of the prioritized categories with five different priorities under the five-Year Consolidation Plan required under HUD and approved by the City Council in 2021. These priorities were: 1) Provide decent safe affordable housing; 2) Provide for special populations; 3) Housing and support services for the homeless; 4) Neighborhood revitalization efforts; and 5) Provide economic development.

Gonzalez reviewed the annual HUD funds authorized by Congress and granted to the City which had a total annual budget of \$22,794,376. She noted that the City did not have to apply for these grants since funding was authorized by Congress using a formula process. Gonzalez spoke to anticipated program income and savings funds (\$4,972,653) from projects which are then passed through to other projects requiring funding and meeting the criteria for the programs. She noted that the total FY 2025 funding was \$27,767,029.

Gonzalez stated that the Housing rehabilitation programs received funds under the HOME and CDBG Programs used for the major repair/reconstruction of homes of low-income residents. She noted that in 2024, HUD awarded the City \$7.9 million for these programs which was added to \$14 million in other funding totaling \$22 million for projects.

Gonzalez noted that staff proposed to keep the funding level at \$7.9 million which would be comprised of Federal funding, REES Funds, and the General Fund. She stated that funding would be combined with Bond and General Funding for a total of \$30 million for home rehabilitation projects.

Gonzalez stated that under the Affordable Housing Development category, the City had in 2024 awarded \$8.4 million and program income/savings which resulted in the creation of 560 new rental homes and 39 homes for sale. She reviewed the 2025 proposed funding which would be \$10,559,956 which would create an estimated 700 new units of affordable housing and make available \$269,187 in HOME non-profit operational support.

Gonzalez stated that thanks to the voters who approved the Affordable Housing Bond in 2022, the City had been able to leverage \$12.5 million in HOME and CDBG funds with \$7.5 million in Bond and other funds resulting in more than 950 homes built or preserved. She added that 161 of the homes were defined as deeply affordable homes.

Gonzalez reviewed other housing activity covered by funding to include \$305,000 of HOME funding for first time buyer assistance, \$155,000 of CDBG funding for fair housing services, \$600,000 in CDBG funding for housing stabilization services, and \$100,000 CDBG funding used for neighborhood revitalization case management services. She noted that funding was used for the hiring of two full-time HUD certified housing counselors, rental assistance, and first-time home buyer down payments.

Gonzalez reviewed funding used for Community Development activities which were used in partnership with the Department of Human Services (DHS) who worked with several delegate agencies to deliver services to the community. She stated that staff proposed funding of \$419,140 which would be used to continue the Parks and Recreation Summer Youth and Extended Hours Program. Gonzalez stated that these programs would be delivered at the community centers in the City that allowed youth to come in during summer months and late hours and have a place to go and enjoy activities. Gonzalez stated that Financial Education Programs using \$175,000 in CDBG funding would fund programs operated by DHS's Financial Empowerment Centers to provide free financial counseling and benefits navigation for residents.

Gonzalez provided an overview of HOPWA funding totaling \$3,126,754 that would be used for eligible activities to include housing assistance and related supportive services for people living with AIDS. She reviewed Emergency Solutions Grant funding totaling \$1,117,923 to be used for eligible activities to include street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and a Homelessness Management Information System (HMIS).

Gonzalez reviewed the NHSD timeline for public input, stakeholder presentations, and City Council consideration by August 16, 2024.

DISCUSSION

Chair Rocha Garcia supported the funding for youth services and the development of the Housing Plan.

Councilmember Courage expressed his support of funding but was concerned about meeting the need for below poverty line housing supply for those making less than \$22,000 per year. He requested that staff seek more housing for those under 30% AMI. NHSD Director Veronica Garcia stated that staff would continue to seek funding and grant opportunities for this type of housing.

Councilmember Viagran supported staff recommendations and the need for continued housing programs.

Councilmember Castillo stated that she supported \$30 million in funding for home rehabilitation and that staff continued to support Opportunity Home's mission and projects to include study for the Cassiano Homes retro-fit project. She stressed that it was important to continue to assist Opportunity Home and ensure that it did not fail in providing affordable homes to those in most need and putting stress on DHS and other City services.

Councilmember Pelaez moved to Approve. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Pelaez, Courage

Consent Agenda

- 5. Resolution of No Objection for Riverbreeze Apartments, LP's application for 2024 Non-Competitive 4% Housing Tax Credits (HTC) from the Texas Department of Housing and Community Affairs (TDHCA) for the construction of a 264-unit affordable multi-family rental housing development named Riverbreeze Apartments, located at 410 SW Loop & Palo Alto Rd in Council District 4; allowing the construction of the development to be located within one linear mile or less from another development; and acknowledging the development will result in more than 20% of total housing units in the proposed census tract being supported by housing tax credits. [Lori Houston, Assistant City Manager; Veronica Garcia, Director, Neighborhood and Housing Services]**

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Courage
Absent: Pelaez

Adjournment

There being no further discussion, the meeting was adjourned at 1:04 p.m.

Adriana Rocha Garcia, Chair

Debbie Racca-Sittre, City Clerk

DRAFT