

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

Monday, September 23, 2024

10:00 AM

Council Briefing Room

The Planning and Community Development Council Committee convened a regular meeting in the City Hall Council Briefing Room beginning at 10:03 AM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Committee Members present:

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

Members Absent: Phyllis Viagran, *Member*

Approval of Minutes

1. Approval of minutes from August 22, 2024 Planning and Community Development Committee Meeting

Councilmember Castillo moved to Approve the minutes of the August 22, 2024 Planning and Community Development Committee meeting. Councilmember Courage seconded the motion. The motion carried by the following vote:

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

Public Comment

There was no Public Comment.

Briefing and Possible Action on

2. Briefing and possible action on a Council Consideration Request on DART Cost Recovery. [Andy Segovia, City Attorney]

Joe Nino, Deputy City Attorney provided background and overview of CCR 2024-0006 titled Dangerous Assessment Response Team (DART) Cost Recovery submitted by Council District 5 Councilmember Castillo which aimed to establish a comprehensive fee structure so that DART property owners could be held responsible for maintaining the safety of their structures, thus reducing reliance on municipal services to uphold the safety of the property and the surrounding neighborhood. He noted that the CCR requested staff to develop a policy which: 1) Would create a comprehensive fee structure for all DART properties to be paid until the property was brought into full compliance; 2) Direct the entirety of those fees toward the COSA Relocation Assistance Fund, so the City could assist more families transitioning to safe, stable, and affordable housing; 3) The CCR was not intended to include low-income homeowner occupants who were unable to afford to bring their property up to code; and 4) The CCR referenced the City of Dallas Habitual Nuisance Ordinance as an example of generating fees.

Nino reported that the CCR was presented to the Governance Committee on April 23, 2024, and the Governance Committee assigned the CCR to the Planning and Community Development Committee in parallel with the Budget process. Nino explained that DART was a proactive abatement enforcement tool to address the worst nuisance properties with a two-year documented history. He noted that DART was comprised of department members that were assigned to DART as one of their duties: Code Enforcement, San Antonio Police Department (SAPD) San Antonio for a Fear Free Environment (SAFFE), Metro Health, Neighborhood Housing Services Department (NHSD), the Department of Human Services (DHS) when houseless were involved, Animal Care Services (ACS), Fire Marshal if necessary. Nino stated that SAPD determined the number of officers who would be present at each inspection based on officer and DART member safety protocols and he reported that in the past five years, there had been one relocation. He stated that 51 properties were inspected in FY 2024, of which 40 properties were abated of nuisance immediately, four were removed as DART to obtain assistance from the Veteran's Administration (VA), Office of Historic Preservation (OHP), NHSD, or Adult Protective Services (APS). Additionally, seven properties needed additional effort: as four owners were deceased with no heirs available, one owner was in a physical rehabilitation center with no ability to assist (son is the cause of nuisance), one owner had mental/drug issues, and one owner was referred to the litigation team because they occupied the residence which was the source of the nuisance activity, and the remaining three fell into the low-income level status.

Nino stated that there were 24 Compliance Agreements and 16 were referred to the Building Standards Board (BSB) and approximately 70% of cases could possibly be subject to cost recovery fees. He noted that most DART targets tended to be low-income owners who would require the funds they may have to go towards abatement, repair, or demolition, and policy would determine whether to assess a cost recovery fee on DART owners. Staff Recommended including a cost recovery amount in each compliance agreement and for properties that did not enter into compliance agreements or if there was a breach of a compliance agreement, fees and fines would be sought through the judicial process. Additionally, according to Nino, staff recommended monitoring the City of Dallas' Ordinance to evaluate the effectiveness of a broader Ordinance to cover additional properties. Nino stated that cost recovery funds were eligible to be designated to the COSA Relocation Program and the fees/fines

would be placed in the General Fund. Nino offered to return to PCDC after approximately one year to report on the progress.

DISCUSSION:

Chair Rocha Garcia thanked Councilmember Castillo for bringing the CCR forward and supported the cost recovery. She asked what the actual average cost of DART was and how much might have gone into the fund last year had the policy been in place. Nino indicated that the average cost was \$800 for the two-hour inspection with the multidisciplinary team which included 3-4 SAPD Officers, 2 Code Officers, 2 ACS Officers, DHS staff as needed, NHSD 1 or 2 staff, and 2 attorneys. Nino noted that the majority of the residential properties were low-income and commercial properties were not charged if their business was shut down.

Councilmember Castillo noted that DART properties could impact the entire neighborhood particularly for landlords who kept renting to questionable tenants. She stated that the goal was that if a multifamily complex was out of compliance and multiple residents needed to be relocated, the landlords should pay the cost of relocating a large number of tenants.

Councilmember Courage questioned putting the money into the General Fund and suggested a separate relocation fund might work better so NHSD could use the funding as needed for relocation. City Attorney Andy Segovia clarified that the plan was to place the fund into the current NHSD Relocation Fund which was a part of the General Fund.

Chair Rocha Garcia requested a motion to approve the staff recommendation.

Councilmember Castillo moved to Approve the staff recommendation. Councilmember Courage seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Castillo, Pelaez, Courage

Absent: Viagran

3. Briefing and possible action on a Council Consideration Request (CCR) for the establishment of an Oak Wilt Tree Replacement Program [David W. McCary, Assistant City Manager; Homer Garcia III, Director, Parks & Recreation]

Ross Hosea, Urban Forestry Manager with the Parks and Recreation Department provided background and overview of CCR 2024-0001 submitted by Council District 7 Councilmember Alderete Gavito on January 30, 2024 which requested that City Staff address the issue of oak wilt by means of using funds from the Tree Mitigation Fund to assist homeowners and neighborhoods in replacing oak trees lost by the disease with native non-oak trees. Hosea reported that the CCR was assigned to the Parks and Recreation Department and was presented to the Governance Committee on April 17, 2024 and the Governance Committee assigned the CCR to the Planning and Community Development Committee.

Hosea explained that oak wilt was caused by a fungal infection affecting only oaks. He noted that oak wilt was deadly and incurable, transmitted through roots and sap-feeding beetles, and was difficult to

control; and Hosea stated that the best management practice was prevention. Hosea noted that the City Council approved an Oak Wilt Ordinance (Sec. 21-170 of the City Code) in 2003 which required all cuts or wounds on oak trees to be painted within 30 minutes. He noted that the Code also prohibited infected firewood from being brought into the City and required a tree maintenance license to be obtained by individuals engaged in the business of tree pruning/removal. Hosea reported that in 2016 The Parks Department created an Oak Wilt Prevention Program that included the distribution of oak wilt prevention informational door hangers by the Solid Waste Management Department during the bi-annual brush collection and required brush collection cycles to be adjusted to ensure that areas with oak wilt were avoided between February 1 and June 30 when disease spread was most prevalent.

Hosea stated that currently the Parks Department residential tree planting program titled EquiTree prioritized communities of need based on equity and heat vulnerability and targeted neighborhoods that generally had lower canopy coverage, according to Hosea. He indicated that a contractor supplied and planted the trees and there was a limited selection of available trees. Hosea stated that there were 25 oak wilt infection centers which were unique locations encompassing trees affected by oak wilt. He noted that the infection center boundaries were field-identified by the Texas A&M Forest Service and varied in size based on the severity of disease spread. He added that a distribution of the 25 infection centers by Council District included two in Council District 1, four in Council District 6, six in Council District 7, eight in Council District 8, and five in Council District 9.

Hosea proposed the development of a revised engagement and education program through updated door hangers and general education materials targeting specific outreach to residents affected by oak wilt. Staff also proposed a new Oak Wilt Tree Replacement Voucher Program which would be offered only to residents affected by oak wilt and redeemable at selected vendors. Hosea indicated that the homeowner could choose their own non-oak replacement tree or multiple trees at a cost of \$800 per voucher. He stated that the vouchers would be paid from the Tree Mitigation Fund and the department was coordinated with the Finance Purchasing Division to issue a solicitation for the vouchers.

Chair Rocha Garcia recognized the author of the CCR, Councilmember Alderete Gavito who was not on the Planning and Community Development Committee. Councilmember Alderete Gavito stated that when a large number of oak trees in a neighborhood died from oak wilt, it not only increased the urban heat island effect but could change the character and identity of the neighborhood. She supported the staff's recommendation.

DISCUSSION:

Chair Rocha Garcia fully supported the initiative but requested an explanation on the how the Tree Mitigation Fund worked and how much money was in the fund. Hosea explained that the Development Services Department collected fees from developers who removed tree canopy; these fees were deposited into the Tree Mitigation Fund and there was \$14 million in the FY 2025 Budget and approximately \$1 million was remaining from FY 2024. Director of the Parks and Recreation Department Homer Garcia stated that a portion of the public tree giveaway program included focusing on heat maps but the majority of the funding was used on the City's capital projects.

Chair Rocha Garcia asked what happened when a tree became infected and how much a new tree would cost. Hosea stated that there was a fungicide but generally, once a tree got infected, they would die.

Hosea stated that a 45-gallon tree cost about \$500-\$600. Chair Rocha Garcia recommended more education to the people who received the trees to help them properly establish and care for their new tree.

Councilmember Courage noticed that many of the companies that trimmed trees did not paint the wounds which was required within 30 minutes and suggested adding a requirement by Ordinance to treat the cut branch. He suggested that the City's arborist check residential trees for oak wilt to help deter spread but noted that the cost of tree removal was high and the City did not assist.

Councilmember Castillo asked what the voucher could be used for. Hosea stated that the voucher could only be used for the purchase of the tree but it gave the voucher-holder discretion on the size and species of tree. Councilmember Castillo suggested having more tree giveaways that included larger than one-gallon trees and expanding the recommended voucher program beyond the replacement of oak trees to diseased pecan or other types of trees. Councilmember Castillo noted last week that funds were set aside for tree removal in the FY 2025 budget.

Councilmember Courage asked that if a diseased tree was cut down and chipped into mulch would the disease spread. Hosea stated that the disease did not spread through mulch.

Chair Rocha Garcia requested a motion to approve the voucher program.

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

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

Consent Agenda

Adjournment

There being no further discussion, the meeting was adjourned at 10:46 a.m.

Approved

Adriana Rocha Garcia, Chair

*Debbie Racca-Sittre
City Clerk*