

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



**Meeting Minutes
City Council B Session**
City Hall Complex
San Antonio, Texas 78205

2021 – 2023 Council Members

Mayor Ron Nirenberg
Mario Bravo, Dist. 1 | Jalen McKee-Rodriguez, Dist. 2
Phyllis Viagran, Dist. 3 | Dr. Adriana Rocha Garcia, Dist. 4
Teri Castillo, Dist. 5 | Melissa Cabello Havrda, Dist. 6
Ana Sandoval, Dist. 7 | Manny Pelaez, Dist. 8
John Courage, Dist. 9 | Clayton Perry, Dist. 10

Wednesday, October 19, 2022

2:00 PM

Municipal Plaza Building

The City Council convened a regular meeting in City Hall beginning at 2:07 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 10 – Nirenberg, Bravo, McKee-Rodriguez, Viagran, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

ABSENT: 1 - Rocha Garcia

ITEMS

1. Briefing on the proposed State Legislative Program for the State's 88th Legislative Session. [Jeff Coyle, Assistant City Manager; Sally Basurto, Director, Government Affairs]

City Manager Erik Walsh introduced the Item and Sally Basurto, Director of Government Affairs, who presented 24 position statements recommended for the City. Basurto stated that the positions reflected the priorities for the City of San Antonio. City Manager Walsh stated that there would be weekly City Council briefings during the next Legislative Session. Basurto provided a timeline for the regular session, an overview of the development of the program and noted that the

program had been presented to the Intergovernmental Relations Committee (IGR).

Basurto presented the four pillars of the City of San Antonio's 88th State Legislative Program: 1) Protection of Community Interest: Local Governance, Municipal Utilities and Military City USA. 2) Economic & Community Development: Affordable Housing, Property Tax Relief, Economic Development, Workforce Development, and Education. 3) Public Health & Safety: Animal Care, Healthcare, Nutrition and Violence Prevention. 4) Infrastructure and Resiliency: Digital Inclusion, Transportation and Sustainability. Basurto provided a list of partnerships that included community stakeholders and a list of key dates with anticipated approval of the Program by City Council on November 3, 2022.

DISCUSSION:

Mayor Nirenberg opened the discussion by pointing out that this was the first State Legislative Session since the COVID-19 Pandemic began. He noted that this was a general, inclusive and flexible program that guided the advocacy that our City would perform in Austin and cautioned that the Program should not be so specific that it would limit our agenda. Mayor Nirenberg commented that there were active efforts to undermine our ability to advocate for our communities and the City's authority to govern itself.

Mayor Nirenberg recognized Councilmember Pelaez, Chair of the IGR Committee. Councilmember Pelaez reported that there was robust discussion at the Committee meeting and that there had been coordination with the Texas Municipal League as well as advice from the City Attorney in the development of the Program. Councilmember Pelaez pointed out that the Healthcare and Nutrition pillar was an important topic because there was a high level of mortality for women and children, the State of Texas had eliminated the Federally funded Family Planning Program, the State refused expansion of Medicaid, and a report from the Kaiser Family Foundation indicated that the State was failing our women.

Councilmember Cabello Havrda supported efforts to increase funds for mental health, violence prevention, local control, traffic safety, and transportation. Councilmember Cabello Havrda recommended that the Program include advocacy for services and funding to help children aging out of foster care and housing.

Councilmember McKee-Rodriguez expressed support for the Program and emphasized that the City needed to be more proactive. Councilmember McKee-Rodriguez suggested that the City Council review any legislation related to the release of police body camera footage, prevention of mass incarceration, legalization of marijuana, more State funding for public schools, climate change, and discrimination of African Americans for their hairstyles.

Councilmember Viagran requested a timeline for when the City Council might see an update on the upcoming Legislative Priorities. Basurto stated that once bill pre-filing began on November 14, 2022, more information would be available. She indicated that property tax relief was the highest priority for Council District 3 residents.

Councilmember Courage warned that there were great challenges in advocating for our community

and stressed that the City Council was closest to the people and knew what the community wanted. Councilmember Courage supported the work of the IGR and the Program presented.

Councilmember Sandoval expressed specific interest in the Sustainability Pillar and suggested that some of the work was with the State's departments and not always at the Legislature. Councilmember Sandoval supported Transportation Safety, Gun Safety and Public Health and suggested that a coalition for Public Health should be created. Basurto stated that depending on the bills, staff would coordinate with appropriate partners. Assistant City Manager Jeff Coyle mentioned that the City participated in a bi-weekly phone call with the Bexar Health Coalition. Metro Health Director Claude Jacob stated that he participated on many State and Federal Health Coalitions.

Councilmember Sandoval supported protecting the City's Nondiscrimination Ordinance (NDO) and recommended that the City oppose any legislation that would prohibit the City from expanding the NDO. Councilmember Sandoval did not support bringing major sporting events to San Antonio, as the jobs that supported these types of events were low-paying jobs in the service sector that may not include benefits.

Mayor Nirenberg clarified that there would be weekly briefings to City Council as the Legislative bills were introduced during the session.

Councilmember Castillo supported expansion of Medicaid commenting that there had been an increase in mental health crises for children who did not have health insurance. Councilmember Castillo recommended that the City support bills that would lead to deep affordable housing which could include programs by our partners. Councilmember Castillo recommended development of a coordination plan to mobilize stakeholders, organizations, and our Boards/Commissions as the bills were filed. Assistant City Manager Coyle stated that Board and Commission Members might be tapped to testify.

Councilmember Perry asked for the typical number of bills filed in each session and how many were initiated. Basurto reported that 6,000 to 7,000 bills were filed during a typical session and the position statements supported issues but not specific bills the City recommended filing, except for the Court Reporting Bill. Councilmember Perry supported the positions on bringing sporting events to our City because it would increase Hotel Occupancy Tax Revenues for the City as well as service industry jobs.

Councilmember Bravo supported property tax reform, reducing mass incarceration, and increasing access to body camera footage. Councilmember Bravo commented that the State Legislature had continued to erode local control and he opposed those efforts.

Councilmember Pelaez quoted from a report by the Episcopal Health Foundation on findings from a 2021 Texas Health Tracking Survey titled Texas Resident Views on Health Policy and Experiences with Access and Affordability and requested that the report be distributed to City Council and included in the Record. Councilmember Pelaez supported access to healthcare for women and children as well as mental health services.

2. Briefing on amendments to Chapter 35 of the Municipal Code, the Unified Development Code

(UDC), affecting all Articles and Appendices and recommending the requirement for the next UDC amendment cycle update be waived and begin in 2027. These amendments are part of the 2021 UDC update program. [Roderick Sanchez, Assistant City Manager; Michael Shannon, PE, CBO, Director of Development Services Department]

City Manager Erik Walsh introduced the Item and Development Services Department Director Michael Shannon who thanked Assistant Director Melissa Ramirez for leading the work to update Chapter 35 of the City Code also known as the Unified Development Code (UDC) which was required to be accomplished every five years to create efficiencies, incorporate new laws and eliminate unnecessary development costs. Shannon stated that the UDC Amendment included edits, clarifications, rule interpretation determinations (RIDs) or amendments sponsored by the Planning Commission.

Shannon stated that there were 193 amendments categorized as: Infrastructure, Affordable Housing, Environmental Sustainability, Transportation, Community Engagement, Administrative Efficiency, and Zoning Overlays for Mission Protection and Westside Creeks Water Quality. Shannon provided a table indicating potential cost increases or decreases related to the amendments. Shannon stated that 191 UDC Amendments were being recommended out of the 193. He indicated that the two that were denied related to registration of Neighborhood Associations and Qualified Transitional Housing. Shannon provided a list of departments and organizations that submitted the amendments both internal and external, as well as the number of reviews and which board or department provided the review.

Shannon provided a timeline for the process, reviewed the next steps and recommended that the amendments be brought before the full City Council for consideration with amendments taking effect on January 1, 2023.

Shannon went into detail regarding the UDC amendment related to Accessory Dwelling Units (ADU) which were recommended by the Housing Commission and supported the Strategic Housing Implementation Plan (SHIP). Shannon highlighted the updates related to a requirement to provide notifications to Community Organizations for Planning, Zoning or Board of Adjustment cases within 200 feet.

DISCUSSION:

Mayor Nirenberg reiterated the timeline for the process including highlighting the adoption of the changes planned for November 3, 2022. Mayor Nirenberg commended the staff on the process and the amendments to remove barriers to affordable housing, noting that this was a large effort by the community and the Subcommittee. Mayor Nirenberg recommended adding information to 3-1-1 to help with enforcement. Mayor Nirenberg supported the exclusion of the Neighborhood Association item since it appeared to be a change to the entire UDC only to solve one isolated dispute.

Councilmember Cabello Havrda supported the creation of urban farms and the water quality overlay.

Councilmember Courage commented that last time there were almost 300 amendments and

appreciated the large scope of managing almost 200 amendments. Councilmember Courage supported the ADUs but wanted to ensure they did not become short-term rentals (STRs) because STRs did not support the City's affordable housing goals. Shannon stated that staff was working to update our STR monitoring contract to help ensure that the rules were followed. Councilmember Courage expressed concern that building too close to another home could cause more fire issues. Shannon explained that the new rule required a one-hour fire resistant wall and no windows if the unit was within three feet of another structure and units with a five feet distance did not require any fire resistance.

Councilmember Courage suggested that anyone living within 200 feet of a proposed change should be contacted whether they were a property owner or a renter. Shannon stated that registered neighborhood associations were notified, and the proposal was to notify non-profit community organizations if they wanted to be notified. Councilmember Courage requested more information on this change because there were boundaries that overlapped and everyone simply needed to be notified.

Councilmember McKee-Rodriguez asked why Tree Mitigation Funds were proposed to be utilized outside of City property and asked for clarification on the difference between the Tree Canopy Fund and the Tree Mitigation Fund. Homer Garcia, Director of Parks & Recreation Department, replied that the change simply allowed the City to plant trees in more places. Deputy City Manager Maria Villagomez clarified that the fees were deposited into one account, however, Shannon stated that they were collected for different reasons.

Councilmember McKee-Rodriguez requested clarification on how staff provided a list of property owners, Neighborhood Associations or Community Organizations to developers and suggested the list should be more inclusive to increase support and transparency.

Councilmember Bravo expressed concern regarding ADUs being used as Type 2 STRs and stated he would be circulating a Council Consideration Request regarding STRs. Councilmember Bravo proposed that the ADU could include a sub-meter rather than be separately metered. Councilmember Bravo supported removing barriers to urban farms and recommended more trees in roadway medians. Catherine Hernandez, Interim Transportation Assistant Director, stated that adding trees to the streets was encouraged so long as they were safe. Councilmember Bravo requested clarification on the limit of 25% for the purchase of land for parks. Garcia clarified that there was no prior limitation.

Councilmember Bravo requested information on cooler roofs. Shannon stated that those requirements would be under the energy code which was not included in this amendment but would be addressed at a later date. Councilmember Bravo recommended keeping the five foot limit and if they wanted to go to three feet it would need to be taken to the Board of Adjustment.

Councilmember Perry stated that there were 300 proposed changes in 2015 and 200 this time and asked how many were approved. Shannon stated that 230 were approved in 2015 and 191 were approved this time. Councilmember Perry wanted to ensure that Joint Base San Antonio (JBSA) provided input on the yellow lighting versus blue lights for the Military Overlay Zone. Shannon stated that the change was recommended by JBSA. Councilmember Perry requested clarification on the costs to change flood plain maps. Sebrina Santiago, Public Works Stormwater Engineer,

explained that the additional costs were to prepare engineering documents for review by the City and the Federal Emergency Management Agency (FEMA).

Councilmember Perry requested clarification on the increased costs related to the requirement for residential mixed developments consisting of multiple units built on one structure. Shannon stated that the development community stated that the increased costs were related to fire walls and the changes were targeted to address compatible infill development.

Councilmember Castillo expressed excitement for the creation of more ADUs but did not think many of these would be used for STRs. Councilmember Castillo asked for clarification on Corridor versus Arterial plans. Micah Diaz with the Planning and Community Development Department explained that Corridor Plans included cross streets for impact but did not impact the residential streets. Councilmember Castillo asked of the process for large area rezoning related to the Westside Creekways affecting multiple neighborhood associations. Shannon stated that the first step was to create the overlay, then engage with all affected residents and neighborhoods to develop the new rules which would be presented to the Zoning Commission, followed by City Council consideration. Councilmember Castillo asked if there was a cost to residents that were brought into a floodplain as a result of the changes. Robert Reyna, Interim Assistant Director of Public Works, explained that the regulations were designed to mitigate adverse impacts. He noted that FEMA required notification to impacted residents and mortgage lenders would require flood insurance and vacant properties could not be developed if brought into a floodplain.

Councilmember Sandoval commented that she had recommended expanding the Planning Technical Assistance Committee to add more diversity. Councilmember Sandoval supported all amendments that were recommended by the Office of Historic Preservation. She asked for the timing of the Property Maintenance Code. Shannon stated that those were presented to the Planning & Community Development Committee and would not come to B Session but his team would individually brief the Councilmembers. Councilmember Sandoval requested a detailed briefing on all sustainability related amendments. Shannon stated he would set up an individual briefing with the Councilmember.

Councilmember Sandoval asked if the Community Organizations would be listed alongside the Neighborhood Associations (NA). Shannon confirmed that all registered NAs and Organizations were currently available on the Development Services Department's website. Councilmember Sandoval recommended a map showing all the boundaries that a resident could select and get the contact information. City Manager Walsh clarified that the amendment had gone through a process but that if City Council wanted to adjust the policy and require notification of anyone who registered and wanted to be notified, he could administratively make the change.

Councilmember Viagran supported the ADUs but expressed concern that someone could buy a home and not live in the home that already had an ADU and recommended more enforcement. She also recommended that the City undertake an effort to register all STRs and did not want to see the new ADUs become STRs. Councilmember Viagran supported urban farms and community gardens on vacant land and urban forests on former landfills. Councilmember Viagran supported the creation of a notification list where individuals could register themselves but added that the City needed to find other ways to get people engaged. She expressed concern that developers did not always meet with the neighborhood associations.

Councilmember Sandoval supported ADUs but wanted to ensure that the requirement for a homeowner to occupy one of the units needed to be enforced. Councilmember Sandoval requested that staff bring back an enforcement plan. Shannon stated that the affidavit would be on the record with Bexar County so that real estate agents would know the limits and complaints would be investigated. Councilmember Sandoval requested an estimate of how many homes were within homeowner associations and if there were any that allowed ADUs.

Councilmember McKee-Rodriguez suggested that community concerns regarding the notification process seemed to be addressed with the new notification process that included Community Organizations.

Mayor Nirenberg commented that unless a Homeowner Association (HOA) prohibited ADUs, then they would fall under the City Code. Mayor Nirenberg stated that the policy was intended to create more affordable housing stock which was an important goal.

EXECUTIVE SESSION

Executive Session was not held.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 5:04 PM.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**