

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



**Meeting Minutes
City Council A 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

Thursday, November 3, 2022

9:00 AM

Municipal Plaza Building

The City Council convened a regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at 9:10 AM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 9 – Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Cabello Havrda, Pelaez, Courage, Perry

ABSENT: 2 - Sandoval, Pelaez

PROCEDURAL

1. Invocation

The invocation was delivered by Senior Pastor Sam Nobles of Shearer Hills Baptist Church, guest of Councilmember Courage, Council District 9.

2. Pledge of Allegiance

Mayor Nirenberg led the assembly in the Pledge of Allegiance.

Executive Session

Mayor Nirenberg recessed the meeting into Executive Session at 9:14 AM. to discuss any of the following Items:

- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Legal issues relating to COVID-19 preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting in Open Session at 11:10 AM, announced that no official action had been taken in Executive Session.

- 3. Approval of minutes for the City Council meetings of October 18, 2022, October 19, 2022 and October 20, 2022.

Councilmember Perry moved to Approve the minutes for the City Council meetings of October 18, 2022, October 19, 2022 and October 20, 2022. Councilmember Viagran seconded the motion. The motion carried by the following vote:

Aye:	Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Courage, Perry
Absent:	Sandoval, Pelaez

Councilmember Bravo entered the meeting at 11:10 AM.

Councilmember Pelaez entered the meeting at 11:15 AM.

Councilmember Sandoval entered the meeting at 11:26 AM.

POINT OF PERSONAL PRIVILEGE

Councilmember Castillo recognized the 90th Anniversary of the Golden Star Café. Councilmember Cabello Havrda spoke in support of Golden Star Café.

Councilmember Cabello Havrda recognized the Council District 6 Zoning Commissioner.

Councilmember Cabello Havrda recognized Czech Heritage Month and invited the President of the local Czech Society to address the City Council.

Councilmember Perry announced the 4th annual Native American Heritage Month activities at Julia Yates Semmes Library and Comanche Lookout Park this weekend.

Councilmember Perry mentioned “No Shave November” in recognition of cancer awareness and spoke of his own personal familial losses from cancer.

ACTION ITEMS FOR STAFF BRIEFING

4. Ordinance approving 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]

Michael Shannon, Director of Development Services, provided an overview of the Item including the timeline and process for the amendments. He reported that 191 total amendments were considered in the development regulation categories for: subdivision platting, zoning (base, overlays, etc.), short term rentals (STR), affordable housing, accessory dwelling units, home occupation, street and storm water design standards, historic preservation, protection of natural resources, trees, aquifer, etc.

Shannon described the public, transparent update process and timeline which included 64 community, board and commission meetings beginning October 21, 2021 and continuing until the City Council Session with changes taking effect in January 2023. Shannon highlighted several amendments and respective costs.

Shannon stated that staff were recommending 191 UDC Amendments and the creation of Large Area Rezoning for Mission Protection Overlay and the Westside Creeks Water Quality Protection Area. 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 amendments be brought before the full City Council for consideration with amendments taking effect 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.

PUBLIC COMMENT:

D'Ette Cole spoke in support of Amendments 26-1, 16-8, and 16-10.

Steve Versteeg spoke in support of removing barriers to public participation through amendments 16-6, 16-8, 16-10 all supported by the Tier 1 Neighborhood Coalition.

Stella Ashley, representing Government Hill Alliance Neighborhood Association, spoke in support of more public participation but against efforts to restructure their organization and against Amendments 16-8 and 16-10.

Rose Hill spoke in opposition to Amendments 16-8 and 16-10 and listed several Neighborhood Associations (NAs) from Council District 2 that she stated also opposed the Amendments because she felt they would take away from the authority of NAs by not respecting their boundaries.

Sylvia Alaniz, Eastgate Neighborhood Association, spoke in opposition to Amendments 16-8 and 16-10.

Phyllis Newman, with Government Hill Alliance Neighborhood Association, suggested that all existing NAs should have been notified of the potential amendments impacting them and did not support the City allowing overlapping NA boundaries.

Lori Hall, Program Officer with Local Initiatives Service Corporation (LISC), read a letter from LISC Executive Director, Leilah Powell in support of the UDC Amendments related to ADUs.

Cynthia Spielman, representing the Tier 1 Neighborhood Coalition expressed concern that meaningful outreach had not taken place regarding the ADU Amendments.

Tony Garcia, representing the Tier 1 Neighborhood Coalition spoke regarding the process and in support of Amendments 16-8 and 16-10 but against the ADU Amendments maintaining that the City's oversight of Short Term Rentals was insufficient to support the goals of affordable housing.

Melanie Cawthon, with the Removing Barriers Subcommittee, spoke in support of the ADU Amendments as an imperative source of affordable housing and urged the ADUs to meet the accessibility design guidelines.

Stephanie Reyes with the Real Estate Council of San Antonio (RECSA), spoke in support of the UDC Amendments, particularly related to the ADUs.

Bianca Maldonado, Tier 1 Neighborhood Coalition Steering Committee Member and Member of the Planning Commission Technical Advisory Committee, spoke in support of the UDC amendments and listed 45 NAs and other individuals that had submitted letters. She expressed concern with the ADU amendment that some of the units could turn into Short Term Rentals and suggested not allowing separate utility meters for the units to help alleviate the concern. Maldonado also noted concern with the setback distances which could increase fire risk to the neighboring property.

DISCUSSION:

Councilmember Rocha Garcia spoke in support of the extensive community engagement process and commented that there were only two proposed amendments that did not have broad community support. She highlighted several of the 64 that included formal meetings, removing barriers for affordable housing, public outreach meetings, specific meetings on the ADUs and recognized the work of the Fire Marshal and Board of Adjustment to meet requirements and ensure safety from fire.

Councilmember Rocha Garcia thanked several organizations including Merced Housing and noted that Edward Gonzales, representing the Housing First Community Coalition, provided a letter supporting ADUs as an important affordable housing option. Councilmember Rocha Garcia thanked everyone for the extensive input and thoughtful dialogue.

Councilmember McKee-Rodriguez thanked staff and the community for participation, noted the number of meetings held and stated that he attended the resident's roundtable meeting. He clarified that if a community organization wanted to receive notification, that would not replace the notification for a NA or create a scenario where there were overlapping NA boundaries. Councilmember McKee-Rodriguez asserted that the amendments would not cause more issues with overlapping boundaries and committed to working with all NAs and organizations in Council District 2.

Councilmember Viagran thanked staff and the community for participation. She recommended more accountability and transparency and stated that the new policy would be more inclusive, not exclusive, as it would allow for more notice to be sent out regarding planning and zoning changes. Councilmember Viagran heard the concerns regarding STRs and committed to working with staff to find a way to monitor the ADUs to ensure compliance. Councilmember Viagran supported the creation of the new Large Area Re-zonings.

Councilmember Castillo thanked staff and the community for participation. She highlighted the drainage and flood control amendments particularly including more Low Impact Development designs and addressing the Heat Island Effect that could positively impact climate concerns. Councilmember Castillo recognized that ADUs were an opportunity for homeowners to build generational wealth.

Councilmember Courage thanked staff and the community for participation and noted that he attended every other meeting that occurred. He expressed support for the extensive community engagement process and suggested that more input was received than ever before and the process was thorough. Councilmember Courage agreed that there needed to be more affordable housing and suggested the ADUs would help with this so long as they were not utilized for STRs, so he asked for more review of the requirements and oversight process and expressed concern with the square foot and setbacks.

Councilmember Bravo thanked members of the public and staff for the robust stakeholder engagement and asserted that much of the concerns with ADUs were related to size, setbacks, separate metering and how to avoid the units being turned into STRs. Councilmember Bravo suggested that submetering of ADUs could be a solution. Shannon stated submetering was currently allowed and would still be allowed under the amendments and added that the Fire Marshal had approved the new setback because reducing the setback from 5 feet to 3 feet would require the house to have a fire-rated wall which would have to be permitted. Councilmember Bravo supported a separate discussion on enforcement of STR rules and monitoring.

Councilmember Perry commented that the department conducted extensive community engagement and appreciated the consideration of cost for the amendments. He asked about the number of amendments proposed and approved last time versus this time. Councilmember Perry

stated that the Council District 10 NAs did not support overlapping boundaries but organizations also wanted to be notified in addition to the NAs. Councilmember Perry requested the number of ADUs built in the last few years and how the City would control STRs. Shannon reported that the department issued 70 ADU permits since 2020 and the amendments would increase those in the future, but ADUs had a rule that the owner must occupy the main home so had to be a Type 1 unit, not a Type 2 unit without a homeowner on site. Councilmember Perry supported letting the homeowner do as he wished with his property, within the guidelines to build generational wealth.

Councilmember Sandoval thanked staff for reviewing the amendments with her in detail. She supported amendments that would help with flooding and support local food production and urban farms, allowing families to live in the same neighborhoods by adding affordable housing through ADUs and units that were accessible to the disabled. Councilmember Sandoval recommended adding language to the amendments to ensure compliance with the STR rules for ADUs. She expressed concern with the separate metering issue and recommended collaboration with CPS Energy. Shannon reported that his staff had to permit all new meters.

Councilmember Sandoval asked detailed questions about enforcement and recommended enhanced monitoring of ADUs to ensure that the homeowner lived on-premises.

Councilmember Perry spoke in opposition to Councilmember Sandoval's amendment because there had not been community dialogue on the proposed amendment.

Councilmember Bravo asked whether Type 2 STRs were already prohibited under the staff proposed language. Shannon stated that the staff proposed language for ADUs did not allow Type 2 STRs unless there was a duplex or triplex as the main unit which was less than one half of one percent. Councilmember Bravo supported the amendment.

Councilmember Pelaez spoke in opposition the amendment proposed by Councilmember Sandoval asserting that he believed it would open the City up to litigation and there had not been enough dialogue.

Councilmember Courage supported the amendment because it would prohibit STR businesses from being operated in residential neighborhoods.

Councilmember Sandoval expressed concern that speculative STR investment was making homes unaffordable to our residents and clarified that the intent of her amendment was to protect our residents.

Councilmember Viagran suggested that ADUs and STRs were two separate conversations as a part of a larger zoning conversation and expressed concern with enforcement.

Councilmember Pelaez asked the City Attorney if he anticipated legal challenges with the STR policy. City Attorney Andy Segovia stated that the City's STR policy had not been challenged but any changes could be challenged.

Mayor Nirenberg commented that Type 2 STR regulations were already in place to help protect

neighborhoods and had questions about how the new ADU rule could impact existing STR businesses.

Councilmember Sandoval commented that her amendment simply clarified what was already today's policy. Segovia confirmed that this would clarify policy as ADUs were not specifically addressed in the STR Ordinance.

Councilmember Rocha Garcia commented that she planned to discuss revisions to the STR Ordinance in the Planning and Community Development Committee (PCDC).

Councilmember Sandoval continued her discussions on the Main Motion and expressed concern with the notification requirements for areas that did not have a NA, so she supported adding organizations to the list to help improve communication.

Councilmember Pelaez commented on the extensive community engagement and supported the notification requirements under the proposed amendment. He also noted that ADUs were options for families that did not have room in their house for elderly or disabled family members, particularly those with dementia.

Mayor Nirenberg thanked his City Council colleagues for stewarding the process, commended Shannon for the smooth process, and thanked all staff and the Removing Barriers Subcommittee. He noted that the amendments kept a focus on supporting the City's Strategic Housing Implementation Plan.

Councilmember Rocha Garcia moved to Approve of all UDC amendments as recommended by staff. Councilmember Castillo seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

Councilmember Sandoval moved to amend UDC Section 23-6 related to accessory dwelling units be amended to prohibit the use of accessory dwelling units as Type 2 short term rentals for single family units. Councilmember Bravo seconded the motion The motion prevailed by the following vote:

Aye: Bravo, Sandoval, Courage
No: Nirenberg, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Pelaez, Perry
Abstain: McKee-Rodriguez

CONSENT AGENDA

Purchase of Services, Supplies and Equipment

5. 2022-11-03-0832

Ordinance approving a contract with Cartegraph Systems, Inc., to provide the City of San Antonio Public Works Department with upgrades to the Municipal Infrastructure Asset and

Operations Management System for a cost of \$2,180,398 beginning November 4, 2022 and ending February 23, 2026, with two additional, one-year renewal options. Funding for integration and the first year of the contract is \$495,438, of which \$297,263 is from the FY 2023 General Fund budget and \$198,175 is from the FY 2023 Storm Water Operating Fund budget. Funding for subsequent years is contingent upon approval of the annual budget. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

6. 2022-11-03-0833

Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$510,000 included in the respective department's FY 2023 Adopted Budget: (A) Gonzalez Auto Parts Ltd., for automobile and light-duty truck drum and brake replacement parts; (B) Zamorano Enterprises, Inc., for decorative dual trash and recycle metal receptacles; and (C) Digital Sandbox, Inc., for maintenance and support for the Constellation for Safety and Security platform. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

Capital Improvements

7. 2022-11-03-0834

Ordinance approving the 2023 Street Rehabilitation Task Order Contract Package 6 with H.L. Zumwalt Construction, Inc. in an amount not to exceed \$9,356,685.75, of which \$294,800 will be reimbursed by San Antonio Water System and \$8,500 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure. Funding is from the General Fund, Advanced Transportation District Fund, Right of Way, and Debt Proceeds included in the FY 2023 – FY 2028 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

8. 2022-11-03-0835

Ordinance approving the 2023 Street Rehabilitation Task Order Contract Package 7 (Flatwork)

with Rucoba & Maya Construction, LLC in an amount not to exceed \$1,835,728.91, of which \$100,300 will be reimbursed by San Antonio Water System and \$6,250 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure. Funding is from the General Fund, Advanced Transportation District Fund, Right of Way, and Debt Proceeds included in the FY 2023 – FY 2028 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

9. 2022-11-03-0836

Ordinance approving a construction contract with J3 Company, LLC in the amount of \$6,273,049.79, of which \$259,440 will be reimbursed by San Antonio Water System and \$562,250 will be reimbursed by CPS Energy for the Castleridge/Slick Ranch Flood Plain Improvement project. Funding is from Stormwater Revenue Bond and Storm Water Regional Facilities funds included in the FY 2023 – FY 2028 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

10. 2022-11-03-0837

Ordinance amending the \$154,390 design contract with Seventh Generation Design, Inc. in the increased amount not to exceed \$80,842 for additional design services to complete renovation improvements for the Las Palmas Branch Library Renovation project. Funding is from the 2022 – 2027 General Obligation Bond Program included in the FY 2023 – FY 2028 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

11. 2022-11-03-0838

Ordinance amending the construction contract with Longhorn Tejas Property Builders, LLC. in the increased amount not to exceed \$134,404.97 for a revised contract total of \$809,233.60 for the installation of the creek way crossing at Kardon Park. Funding is from previously authorized Certificates of Obligation in the amount of \$5,644.07 and \$128,759.93 is from Unified Development Code (UDC) fees in lieu of parkland dedication to the Council District 2

Infrastructure Improvements (Kardon Park) project included in FY 2023 – FY 2028 Capital Improvement Program. This Ordinance also authorizes the appropriation and amending of the FY 2023 – FY 2028 Capital Improvement Program in the amount of \$128,759.93 from the Unified Development Code (UDC) fees in lieu of parkland dedication. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

12. 2022-11-03-0839

Ordinance approving a construction contract with Sundt Construction, Inc. in the amount not to exceed \$36,628,793.61, of which \$14,795,445.61 is from previously authorized 2017 General Obligation Bond funds and \$750,000 from Tree Mitigation Funds included in the FY 2023 – FY 2028 Capital Improvement Program and \$14,369,555 will be reimbursed by San Antonio Water System, \$1,488,793 will be reimbursed by CPS Energy, and \$5,225,000 will be funded by the Hemisfair Tax Increment Reinvestment Zone for the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project; and authorizing the reallocation of funds in the amount of \$8,000,000 in Hemisfair Tax Increment Reinvestment Zone funds to South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project of which \$5,225,000 will be used for this construction contract and the remaining amount will be used for other associated costs. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

PUBLIC COMMENT:

Michael Rodriguez, Chief Executive Officer of EZ Bel Construction, spoke in opposition to approval of the Item.

DISCUSSION:

Councilmember Courage requested a staff presentation.

Razi Hosseini, Director of Public Works and City Engineer, presented an overview of the Request for Competitive Sealed Proposal (RFCSP) process that was utilized to select the contractor. He stated that there was a diverse evaluation panel and outlined scoring comparing Sundt's point score with that of EZ Bel Construction.

Councilmember Courage asked whether the complexity of downtown construction was taken into consideration in the evaluation. Hosseini confirmed that it was included in the evaluation of the contractor's experience and listed several downtown projects recently completed by the recommended contractor.

Councilmember Bravo asked when the City Council was last briefed regarding the contract. Hosseini stated that he provided pre- and post- solicitation briefings to the Audit and Accountability Committee. City Manager Walsh clarified that the project was listed on the

High-Profile Contract Report. Councilmember Bravo noted that EZ Bel stated that they met the SBEDA goal and asked if the recommended vendor (Sundt) had met the SBEDA goal. Sindon stated that the recommended vendor requested a waiver of the SBEDA goal which was approved because they met the requirements of making a “Good Faith Effort” and confirmed that EZ Bel had met the goal.

Councilmember Pelaez supported the recommendation because the recommended vendor recently completed some complex downtown projects that seemed to go very well.

Councilmember Courage moved to approve. Councilmember Viagran seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

Absent: Castillo

Acquisition, Sale or Lease of Real Property

13. 2022-11-03-0840

Ordinance approving a River Walk Lease Agreement between the City of San Antonio and Spirits of San Antonio for a five year base term, commencing on the approval date of this ordinance. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations Department]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

14. 2022-11-03-0841

Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge Zone on a 57.469-acre tract of land known as the Swain Ranch located in Medina County, Texas from Michael and Allyson Swain, and authorizing payment to Mission Title as escrow agent in the amount of \$216,667.15 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2023 - FY 2028 Capital Improvement Program. [David W. McCary, Assistant City Manager; Homer Garcia III, Director, Parks and Recreation]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

15. 2022-11-03-0842

Ordinance approving the fee simple acquisition over the Edwards Aquifer Recharge Zone on a 116.5-acre tract of land known as the Hampton Property located in Bexar County, Texas and authorizing payment to Alamo Title Company as escrow agent for due diligence, closing costs and

execution of a conservation easement in the amount of \$2,524,966.20 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2023 – FY 2028 Capital Improvement Program. [David W. McCary, Assistant City Manager; Homer Garcia III, Director, Parks and Recreation]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

16. 2022-11-03-0843

Ordinance declaring as surplus and authorizing the sale of an unimproved property located at 255 H Street within New City Block 1559, as requested by Thomas Nixon Jr. and Veronica Nixon, for a fee of \$110,100 deposited into the General Fund. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

City Manager Erik Walsh clarified that this was a different type of Item than had previously been amended to deposit the fees into the Affordable Housing Fund as the past amendments were related to administrative fees on debt while the fee on this Item was City-owned property sales revenues that were budgeted in the General Fund.

Councilmember Rocha Garcia stated that the policy regarding funding of the Affordable Housing Fund was planned to be reviewed by the Planning & Community Development Committee.

Councilmember McKee-Rodriguez moved to Amend the Item to move revenues to the Affordable Housing Fund rather than General Fund. Councilmember Courage seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage
No: Perry

Councilmember Viagran moved to approve the Item, as amended. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

Street Closures and Traffic Control Procedures

17. 2022-11-03-0844

Ordinance authorizing the closure, vacation and abandonment of an unimproved portion of Texas Avenue Public Right-of-Way within New City Block 2041, as requested by the City of San Antonio, Public Works Department. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

City Code Amendments

18. 2022-11-03-0845

Ordinance amending Chapter 33 of the City Code of San Antonio by repealing Article IX, Transportation Network Companies and references to these entities; by adding Articles II, Motorbike Sidecar Service and IX, Electric Vehicle Service; by amending Article I to define electric vehicle, electric vehicle service, motorbike sidecar and motorbike sidecar service; and, by revising the procedures for the operation of vehicles for hire in Articles I, III, V, VII and VIII [Maria Villagomez, Deputy City Manager; William P. McManus, Chief of Police]

Rick Riley, Assistant Director of the San Antonio Police Department (SAPD), provided an overview and background on the Item noting that the amendments were recommended by the Transportation and Mobility Committee at its August 29, 2022 and September 30, 2022 meetings.

PUBLIC COMMENT:

Javier Tristan, owner of EGO, an all-electric vehicle service, spoke in support of the Item.

George Mery, Vice-Chair of the Transportation Advisory Board (TAB) spoke in support of the Item.

Elizabeth and Kevin Mancha, owners of San Antonio Side Cars spoke in support of the Item.

Robert Gonzales, member of the Taxicab industry and member of the Transportation Advisory Board, commented that the Taxicab industry in San Antonio had lost 700 taxicabs in the last few years leaving less than 300 taxicabs and spoke in support of the Item.

DISCUSSION:

Councilmember Viagran suggested that the Item should have gone through the Economic and Workforce Development Committee. She expressed concern that new vehicle classes were added with little regard to pricing while the amendments added cost for Taxicabs without determining whether people could afford the new pricing. Councilmember Viagran recommended a B Session for discussion. Riley stated that SAPD had inspectors that monitored Taxicabs and the new vehicles would be regulated with the same personnel. He stated that EV for hire fees would mirror those of the Taxicab industry and motorbike side cars would be the same as for motorbikes.

Councilmember Viagran recommended a traffic study of adding new industries and discussion with hotels. Riley reported that the sidecars were discussed with hotels but not the EVs which would get 10 permits and one company would get 4 of the 10. Councilmember Viagran asked if there would be a Request for Proposals (RFP) process for more firms to come into the City.

Deputy City Manager Maria Villagomez stated that no RFP was planned, rather, the vehicles would be by permit only until the 10 permits were issued, but clarified that service in the new EV and Sidecar industries was restricted to downtown.

Councilmember Cabello Havrda noted that the Item was fully debated at the Transportation & Mobility Committee and any delay would harm the Taxicab industry by not allowing them to collect the additional fees immediately.

Councilmember Sandoval asked about the participation by the Taxicab industry and their support of the amendment. Riley stated that Taxicab prices had not changed since 2011 and the TAB recommended changes in fees to match other major cities adding that the TAB was comprised of members of the Taxicab industry. Councilmember Sandoval opposed the delay citing that development of the changes had been underway for the past two years and cited small cities that already had EV transportation. She stated that downtown visitors would use the EV service during the holidays and a delay would push the approval beyond the holiday period.

Councilmember Perry expressed concern about pricing and requested a comparison of other cities noting that the increase put San Antonio's rates higher than other Major Cities in Texas such as Austin, Dallas and Houston. Councilmember Perry acknowledged that he approved the Item at the Transportation & Mobility Committee but supported the delay in order to take a closer look at the rates.

Councilmember Castillo expressed concern that the number of Taxicabs had decreased and they were legitimate regulated businesses while ride shares could not be regulated. She concluded that failing to support the Taxicab industry could cause a further reduction in the numbers so she did not support a delay.

Councilmember McKee-Rodriguez did not support the delay citing that nothing would be gained since the industry had been working on these amendments for a while.

Councilmember Pelaez did not support the delay because it seemed that the Taxicab industry supported the proposal and he asked George Mery about the industry support. Mery stated that the increased fees were needed as soon as possible to help the Taxicab industry keep viable and they supported the EVs.

Councilmember Bravo expressed concern that Taxicab drivers needed to earn a living wage but also was torn about the customers having to pay higher fees so he supported a delay in order to further discuss fees.

Councilmember Viagran commented that San Antonio's average median income was significantly lower than those comparison cities and was concerned that residents could not afford the price increase. She also stated that this also appeared to be a tax on tourists in addition to the Hotel Occupancy Tax (HOT).

Councilmember Rocha Garcia asked how the proposed increase was derived and commented that some of her residents used Taxicabs to go to doctors and for other events. Riley stated that the price increase came from a petition from over 100 Taxicab drivers.

Councilmember Sandoval recommended creating a forum for input by users of the service.

Mayor Nirenberg did not support delay to re-hash the same issues but suggested if there was a delay, there needed to be a discussion about horse-drawn carriages.

Councilmember Courage requested clarification on the inspections for 16 or more passenger vehicles. Riley stated that the State provided inspections.

Councilmember Pelaez commended the TAB for their work and noted that tourists enjoyed the Sidecars and the EVs were used in other cities without competing with the Taxicabs. Councilmember Pelaez supported a discussion to eliminate horse-drawn carriages in San Antonio.

Councilmember Viagran acknowledged that although she would not support the Item, she did support the local EV owner and wanted to ensure that out of town companies did not move our locals out. Riley clarified that any out-of-town company would have to establish a local presence before they could get a permit.

Councilmember Perry still did not support the fees adding that he hoped the Taxicab industry did not price themselves out of the market, however, he would support the Item overall.

Councilmember Pelaez asked Tristan how long he had been in business. Tristan stated that he had been here for 37 years and felt the EVs were the wave of the future.

Mayor Nirenberg closed the discussion and thanked the TAB and the Transportation and Mobility Committee for their work.

Councilmember Viagran moved to refer to a B Session or Special Session for Briefing in November 2022. Councilmember Rocha Garcia seconded the motion. The motion failed by the following vote:

Aye:	Bravo, Viagran, Rocha Garcia, Courage, Perry
No:	Nirenberg, McKee-Rodriguez, Castillo, Cabello Havrda, Sandoval, Pelaez

Councilmember Perry moved to amend Item 18, Attachment C, Sections 33-062, 33-524, and 33- 724 to provide: "vehicles with a rated seated capacity of 16 or more passengers and that

are registered with the Texas Department of Transportation would be exempt from inspection requirements.” Councilmember Cabello Havrda seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, McKee-Rodriguez, Rocha Garcia, Castillo, Cabello Havrda, Pelaez, Courage, Perry
Absent: Bravo, Viagran, Sandoval

Boards, Commissions and Committee Appointments

19. Approving the following Board, Commission, and Committee appointments for the remainder of an unexpired term of office to expire May 31, 2023 or as specified. [Debbie Racca-Sittre, City Clerk]
- A. Appointing Nathan Barron (District 3) to the San Antonio Youth Commission
 - B. Appointing Catarina Murphy (District 5) and Edward Padilla (District 3) to the City of San Antonio Higher Education Student Advisory Board
 - C. Appointing Norma Montalvo (District 5) to the San Antonio Public Library Board of Trustees for a term ending September 30, 2024
 - D. Appointing Jesse Zuniga (District 6) to the Zoning Board of Adjustment

Councilmembers Cabello Havrda and Castillo spoke in support of their respective Board Appointments.

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

20. Approving the appointments of Isaai Ortega (District 2) and Sierra Salas (District 7) to the City of San Antonio Higher Education Student Advisory Board for the remainder of an unexpired term of office to expire May 31, 2023 [Debbie Racca-Sittre, City Clerk]

Councilmember McKee-Rodriguez spoke in support of the Board Appointment for Council District 2.

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

21. Approving the following Board, Commission, and Committee appointments for the remainder of an unexpired term of office to expire May 31, 2023 or for the terms as shown below [Debbie Racca-Sittre, City Clerk]

A. Appointing Francisco Gonima (Mayoral) and reappointing Juan Landa (Mayoral) and Stephen

Yndo (Mayoral) to the Hemisfair Park Redevelopment Corporation for an unexpired term of office to expire on August 13, 2026

B. Appointing Andrea Rodriguez (At Large) and Nefi Garza (District 5) to the Tax Increment Reinvestment Zone 30 – Westside

C. Appointing Brenda Pacheco (At Large) to the Tax Increment Reinvestment Zone 32 – Mission Drive-In

Councilmember Castillo spoke in support of Board Appointments to the Westside TIRZ.

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

Miscellaneous

22. WITHDRAWN

WITHDRAWN Ordinance approving a six month extension to the Professional Services Agreement with Host Compliance, LLC in an amount not to exceed \$100,000 to provide Short-Term Rental registration, permitting, compliance and collection services. Funding in the amount of \$100,000 is from the Hotel Occupancy Tax Fund Budget. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

23. WITHDRAWN

WITHDRAWN Ordinance approving a professional services agreement with Avenu Insights and Analytics, LLC for Hotel and Short-Term Rental Hotel Occupancy Tax Full-Service Administration to include discovery, recovery and audit for a total contract amount estimated at \$2.7 million for a three year term commencing not later than November 15, 2022 with two, one-year renewal terms at the City's option. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

24. 2022-11-03-0846

Ordinance accepting and appropriating funds from the Southwest Texas Regional Advisory Council for Trauma in an amount up to \$590,000 for the San Antonio Fire Department to coordinate care of patients with Molina Healthcare of Texas, Inc. [Maria Villagomez, Deputy City Manager; Charles Hood, Fire Chief]

Councilmember Cabello Havrda highlighted her support for the Item.

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

25. 2022-11-03-0847

Ordinance accepting and appropriating funds from the Southwest Texas Regional Advisory Council for Trauma in an amount up to \$396,313 for the San Antonio Fire Department Opioid Prevention Crisis Response Program. [Maria Villagomez, Deputy City Manager; Charles Hood, Fire Chief]

Councilmembers Cabello Havrda and Castillo both highlighted their support for the Item.

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

26. 2022-11-03-0044R

Resolution adopting the amended 2021 City of San Antonio Hazard Mitigation Plan. [María Villagómez, Deputy City Manager; Charles N. Hood, Fire Chief]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

27. 2022-11-03-0848

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

PUBLIC COMMENT:

Mike Knuffke, Patrick VonDohlen, and Jack Finger spoke in opposition to the Item.

DISCUSSION:

Councilmember Peleaz, Chair of the Intergovernmental Relations Committee, noted that the Legislative Agenda had been presented in several open meetings including the Committee, a City Council B Session and he noted that the agenda was always high level because it was impossible to predict specific legislation before it was proposed and flexibility was needed to ensure the City's priorities could be acted upon quickly. He cited the Texan's Views on Health Policy and Experiences with Access and Affordability Report that was distributed to City Council after the B session concluding that the Legislative Agenda was not "all about abortion."

Councilmember Viagran spoke in support of the Legislative Agenda and commented that the Items were nonpartisan, but simply in the best interests of residents.

Councilmember Castillo commented that climate change was intensifying extreme flooding, noting that Council District 5 was particularly susceptible to flooding and stated that she supported advocating for State funding for flood mitigation as well as resilient infrastructure to protect against

climate change as there was not enough local money to put a dent in our flood control needs. Basurto committed to working with partners to seek flood infrastructure funding from the Texas Water Development Board.

Councilmember Courage clarified that the City was unable to propose laws and Basurto's job was to keep the City Council informed of what the State Legislature was proposing to be able to oppose Items that would negatively impact our residents and asked Basurto to provide information on the average number of bills proposed at each session. Basurto reported that there were approximately 7,000 bills proposed each session.

Councilmember Perry agreed with the City's role of protecting its interests but did not support spending City dollars to lobby for positions that were "lightning rods" such as guns and abortion as these were "losing propositions."

Councilmember Rocha Garcia recommended advocating for funding to help implement the Hazard Risk Mitigation Plan such as funding for emergencies and critical facilities including generators for Resiliency Hubs. Deputy City Manager Villagomez stated that these grants were not a part of the Legislative Agenda but were grant applications that would be brought before City Council by the Emergency Operations Center as they planned to apply. Councilmember Rocha Garcia also suggested supporting legislation that would reduce the cost of flood insurance for our residents.

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

Aye:	Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage
No:	Perry

28. 2022-11-03-0849

Ordinance approving a Professional Services Agreement with RS&H, Inc. to provide consultant services for the development of the Bicycle Network Plan for a two year term with up to two renewal terms of one year each, at the City's option, with total compensation in an amount not to exceed \$2,700,000. Funding is from the FY 2023 Advanced Transportation District Fund. [Roderick Sanchez, Assistant City Manager; Tomika Monterville, Director, Transportation Department]

Tomika Monterville, Director of the Department of Transportation, provided an overview and history of the Bicycle Master Plan, the procurement process and contract. Monterville stated that the scope of the contract was to develop a plan that would identify gaps, demand, and provide equity, visibility and quality projects to enhance the bicycle network. Monterville listed the goals of the Plan and stated that the Bicycle Master Plan would complement other City plans such as SA Tomorrow, VIA Advanced Rapid Transit and the Bond Program.

DISCUSSION:

Councilmember Perry asked if a staff person had been specifically hired to develop a Bicycle Master Plan. Monterville stated there was a Mobility Officer to oversee the development of the Plan but that

staff did not have the technical capacity to undertake a Bicycle Master Plan. Councilmember Perry suggested that \$2.7 million in Advanced Transportation District Funding could fund many street projects. Monterville noted that \$10 million was already available for implementation once a plan was completed and compared the price to the Multi-Modal Plan completed several years ago. Councilmember Perry asked why a plan for bicycles was not already included in the Multi-Modal Plan. Monterville confirmed that the Multi-Modal Plan did not include funding for the Bicycle Master Plan. Councilmember Perry requested information about the number of deaths in vehicles versus bicycles.

Councilmember Courage commented that \$2.7 million was a lot of money for a Bicycle Master Plan and asked for a breakdown of the funding by scope. Monterville described the work and estimated costs. Councilmember Courage pointed out that the Alamo Area Metropolitan Planning Organization led bike plans in 1994, 2001, 2004 and 2010 and surmised that the City had not invested in Bicycle Planning in the past and expressed concern that future City Councils would not want to invest in bicycles as a mode of transportation.

Councilmember Pelaez commented that an in-depth look at bicycles as a mode of transportation had never been performed and reminded his colleagues that people were being killed not only on bicycles that were having to share the road with automobiles but also in parks. He recommended asking the consultant to provide input on sequencing of expansion on the Greenway Trails in order to create safe paths across the City.

Councilmember Viagran agreed that \$2.7 million was a lot of money but this was an investment that we could use to leverage State and Federal funds. She also noted that this could positively impact climate change.

Councilmember Bravo suggested that offering transportation options other than cars was an equity and opportunity issue for our community to remain competitive. Councilmember Bravo asked what the goal was for the number of lane miles and recommended trying to reach the Gold Standard for Bike friendly cities.

Councilmember Sandoval did not want to wait until the Bicycle Master Plan was complete to create safer roadways for our residents including cyclists and called for action now. Councilmember Sandoval requested a cost breakdown for the scope as well as a timeline. Monterville stated that the largest cost was related to community engagement and showed a chart of the cost by line item.

Councilmember Courage asked how many firms had bid on the project. Monterville stated that there were six proposers and one was disqualified. Assistant City Manager Rod Sanchez confirmed that this was a Request for Proposals so the City would select the best value. Deputy Chief Financial Officer Troy Elliot provided a matrix of the scoring and reported that pre- and post-solicitation briefings were presented to the Audit and Accountability Committee.

Mayor Nirenberg commented that there had not been investment in bicycle infrastructure in the past which had potentially resulted in many fatalities and he hoped this would change if the City began planning and investing.

Councilmember Viagran moved to approve. Councilmember Cabello Havrda seconded the

motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

29. 2022-11-03-0850

Ordinance approving agreements related to the San Antonio Metropolitan Health District's Tuberculosis Prevention and Control program including an agreement with the University of Texas Health Science Center at San Antonio for patient referrals at no cost, for a term ending October 31, 2027, with the option to renew for one, two-year term, and an agreement with the University of Texas Health Science Center at Tyler to provide physician services in an amount up to \$120,000 for a term ending September 30, 2023 with the option to renew for four, one-year terms, for a cumulative amount up to \$600,000. Funding for the first year of the contract in the amount of \$120,000 is from the FY 2023 General Fund Adopted Budget. Funding for future years is dependent upon City Council approval of the annual budget. [Erik Walsh, City Manager; Claude A. Jacob, Director, Health]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

30. 2022-11-03-0851

Ordinance approving an Interlocal Agreement with The University of Texas Health Science Center at San Antonio to provide SARS-CoV-2 genetic sequencing data, in an amount up to \$200,000, for a term ending September 30, 2023, with the option to renew for four, one-year terms for a cumulative amount up to \$1 million. Funding for the first year in the amount of \$200,000 is from the FY 2023 General Fund Adopted Budget. Funding for future years is dependent upon City Council approval of the annual budget. [Erik Walsh, City Manager; Claude A. Jacob, Director, Health]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Sandoval, Pelaez, Courage, Perry

31. 2022-11-03-0852

Ordinance amending the Historic Design Guidelines relating to the design of new construction projects located within a historic zoning overlay. [Lori Houston, Assistant City Manager; Shanon Miller, Director, Office of Historic Preservation]

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello

Havrda, Sandoval, Pelaez, Courage, Perry

City Manager's Report

Deputy City Manager Villagomez recognized Javier Vasquez who served as the Interim Executive Director of the Council Aids Local Government Corporation since July and today was his last day as the Executive Director was returning from leave.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 4:35 PM.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**