

**Infrastructure & Growth Council Committee
Meeting Minutes**

Tuesday, April 13, 2010

2:00 p.m.

Municipal Plaza Room B

Members Present: Councilmember *W. Reed Williams, District 8, Interim Chair*
Temporary Acting Councilmember *Leticia Cantu, District 4*
Councilmember *David Medina, Jr., District 5*
Councilmember *Elisa Chan, District 9*

Members Absent: *None*

Staff Present: Penny Postoak Ferguson, *Assistant City Manager*; Rod Sanchez, *Planning & Development Services Director*; Mark Bird, *City Arborist*; Xavier Urrutia, *Parks & Recreation Director*; Jed Maebius, *Office of the Mayor*; Susan Guinn, *Assistant City Attorney*; Brandon Smith, *Office of the City Clerk*

1. Call to Order

Councilmember Williams called the meeting to order.

At this time, the Committee addressed Item 3.

3. Approval of Minutes for the March 16, 2010 Infrastructure & Growth Council Committee Meeting

Councilmember Chan moved to approve the Minutes of the March 16, 2010 Infrastructure and Growth Council Committee Meeting. Temporary Acting Councilmember Cantu seconded the motion. Motion carried unanimously.

Chairman Williams read the following statement into the record:

“For the record, the Infrastructure and Growth Committee voted to postpone an item related to a CCR by District 10 requesting analysis and review of the City’s Right-Of-Way Fee and the costs associated with the sale, closing vacating, abandonment of City property for the purposes of adding an additional fee to go toward the City of San Antonio Street Endowment Fund to the April 13th Meeting; however, this Item will not be heard today and will be instead included on the May 13, 2010 Agenda.”

4. Briefing and possible action on proposed amendments to the Tree Preservation Ordinance (UDC 35-52)

Presented by Presented by Rod Sanchez, Director, Planning & Development Services

Rod Sanchez reported that the last revision to the Tree Preservation Ordinance was in 2006 and that there was concern regarding its impact to the overall tree canopy. He stated that Council had directed staff to study the effect on the Canopy and noted that American Forests was contracted to conduct an analysis of the issue. He added that American Forests had identified a loss of

7,600 acres of tree canopy within the City and ETJ from 2001 to 2006. He indicated that the current canopy was approximately 38% and that American Forests recommended a canopy of 40%.

Mr. Sanchez stated that the goal of the revised Tree Preservation Ordinance was to: 1) Increase the preservation of trees; 2) Eliminate the homestead and agricultural loopholes; and 3) Increase tree canopy. He detailed the following Phase II Preservation Amendments to include:

- Minimum Preservation increase from the 10% to 20%
- Double Mitigation from \$100/inch to \$200/inch
- Final tree canopy requirement:
 - ✓ Single-Family Residential = 38%
 - ✓ Multi-family and Nonresidential = 25%
 - ✓ CRAG area = 15%

Councilmember Chan asked if the proposed ordinance applied to new development only and requested a comparison of City Staff recommendations and those of the Planning Commission. Mr. Sanchez confirmed that the proposed Tree Ordinance would apply only to new development. He stated that staff had attempted to adhere to American Forests' recommendations as closely as possible. He noted that 5% was added to the recommended 20% totaling 25% in the Commercial Category. He mentioned that the Planning Commission was especially sensitive to industrial properties, noting that a 25% canopy could be problematic for eighteen-wheelers. He concluded that the answer to such an issue would be to pay into the Tree Mitigation Fund and the City would plant the trees in another location.

2. Citizens to be Heard

Groups:

Steve Hanon, *Real Estate Council San Antonio (RECSA)*, spoke in opposition to the proposed ordinance. He stated that the ordinance could have unintended negative consequences. He noted that it would increase costs and have a negative impact on economic development and redevelopment.

Tim Leonard, *Greater San Antonio Builders Association (GSABA)*, stated that there were three versions of the Tree Preservation Ordinance in existence: 1) City Staff's version; 2) Technical Advisory Board's version; and 3) Planning Commission's version. He spoke in support of a consensus of the three versions that balanced realistic goals for the development community and supported by all members for the community. He noted that the economic burden of the proposed ordinance would fall on the back of new development.

Mike Hogan, *San Antonio Apartment Association (SAAA)*, spoke in opposition of the proposed ordinance. He stated that the SAAA felt that said process was flawed and had not been a community-wide approach.

Diane Hoskins, *Professional Engineers In Private Practice (PEPP)*, expressed concern with the proposed ordinance and process for several reasons: 1) Data supporting revisions was not reliable; 2) Proposed ordinance had gone through a comprehensive review process and a compromised document should have been presented as a result; and 3) Data indicated that the

current ordinance was working and had yielded an increased tree canopy. She expressed concern with an ever increasing tree canopy and the issues that could occur.

Tom Hayes, *Greater Edwards Aquifer Alliance*, spoke in opposition to the proposed tree ordinance and stated that San Antonio had one of the weakest ordinances reviewed in the state of Texas. He noted that there was a loss of canopy over the last two decades and no public process in San Antonio.

In response to Councilmember Chan, Mr. Hayes stated that mitigation was allowed in Austin and that Heritage Trees of 30" or more required a variance. He added that 20% of Heritage Trees could be removed in San Antonio; however, that could not occur in Austin.

Jim Canizzo, *US Army Fort Sam Houston Camp Bullis*, referenced endangered species at Camp Bullis. He stated that the more trees that were protected, the less displaced birds would migrate to Camp Bullis.

Garrett Sullivan, *North East Independent School District (NEISD)*, spoke on behalf of all school districts in San Antonio in opposition to the proposed revisions. He requested that school districts be placed in a category other than Commercial Developer. He stated that school districts were public entities that provide services to the public as City Public Service (CPS) and the San Antonio Water System (SAWS) do. He noted that the proposed revisions would place a hardship on school districts in the construction of schools.

Diane Lang, *Citizens Environmental Advisory Committee (CEAC)*, presented six recommendations: 1) Current requirement for tree retention in environmentally sensitive areas and flood plains remain in the ordinance; 2) Limit of significant tree removal be capped at 70%; 3) Heritage trees cannot be removed without a variance from the City Arborist or Land Use Commission; 4) Canopy percentages over the aquifer recharge zone be increased to reach a 55% goal; 5) Canopy requirements cannot be waived by payment of fees; and 6) Easement and right-of-way be included in the determination of the size of the subdivision. She also requested clear interpretation, strong enforcement, and good oversight of the ordinance that would subsequently be adopted.

Don Wittschiebe, *South San Antonio Chamber*, spoke in opposition to the proposed revisions. He stated that the current ordinance has yielded an increasing tree canopy and appeared to be effective.

Fred Elsner, *Bridle Bit Corporation*, spoke in opposition to the proposed ordinance. He stated that the additional cost associated with the proposed ordinance would be absorbed by the homeowner, not the builder.

Peter Bella, *Alamo Area Council of Governments (AACOG)*, spoke in support of the proposed revisions and stated that the City of San Antonio had been progressive in maintaining Ozone sustainability. He requested that the Committee consider the environmental benefits of a preserved canopy as a result of the proposed ordinance.

Barbara Hall, *San Antonio Conservation Society*, read a statement from Rollette Schreckenghost, President of the San Antonio Conversation Society in support of the proposed

ordinance. She stated that the proposed tree ordinance was a step forward in preservation for the City of San Antonio.

Jerry Morrisey, *Sierra Club*, spoke in support of the proposed ordinance. He stated that the movement of preserving trees was just as important as planting additional trees.

Richard Alles, *Citizens Tree Coalition*, expressed concern with the Tree Stance Delineation Method and the proposal to weaken the requirements to make it more attractive to developers. He also expressed concern with the recommendation by the Technical Advisory Committee to delete Heritage Tree protection from the Tree Stance Delineation option. He concluded that the proposed ordinance is weak in preserving existing trees.

Individuals

Dr. Francine Romero, University of Texas at San Antonio, provided information on the analysis of scientific evidence and policy from other cities. She reported that none of the cities reviewed had a tree mortality discount nor did they have an extreme fee structure. She stated that the proposed ordinance focused mainly on regulation, whereas the other cities focused on distributive policies. She noted that all of the cities reviewed had a "Tree City USA" designation from the Arbor Day Foundation and indicated that said designation yielded many benefits including grant funding eligibility. Dr. Romero cautioned that the proposed ordinance could yield unconsidered consequences to the economy and the environment. She recommended consideration of a cost-benefit analysis of such an extreme policy.

Cheryl Hamilton spoke in support of the proposed ordinance to increase penalties for removed trees and to protect 100% of Heritage Trees.

Bill Peters, Northside Independent School District, stated that school districts were tax-supported organizations and the addition of new requirements regarding tree preservation was an additional taxation to the school taxpayer.

Brian Hanan spoke in opposition to the proposed ordinance and expressed concern that the canopy percentage for residential properties was higher than the percentage for parks. He stated that 100% of the burden of the proposed ordinance falls on new businesses, new development, and new home-owners and noted that all should be responsible for the ordinance.

Wendy Baron spoke in support of the proposed ordinance on behalf of children and animals. She presented letters from children in support of a strict Tree Preservation Ordinance.

Bob Wandrisco spoke in opposition to the proposed ordinance. He stated that those who would be impacted by the proposed ordinance should instead be asked to invest in "Windtricity".

George Peck spoke in opposition to the proposed ordinance. He stated that evidence shows that the current ordinance is extremely effective.

Paul Denham provided a presentation of a 100-acre subdivision. Allotted time ran out before his conclusion.

Brenda Kelly Rowe spoke in opposition to the proposed ordinance. She stated that technical aspects and developmental impact should be considered and noted that the technical details of the proposed ordinance sets standards that are not workable.

Allen Townsend referenced the job of a Developer and asked the Committee to focus on policy. He stated that the proposed ordinance was a flawed policy but should ultimately be accepted.

Glen Barton expressed satisfaction with the amount of trees in San Antonio. He stated that the goal of the proposed ordinance should not fall solely on the Development Industry but on the entire community.

Johanna Barton spoke in opposition to the proposed ordinance and stated that the current ordinance was effective. She also requested a cost benefit analysis.

Chuck Saxer, NNOD, spoke in support of the proposed ordinance. He stated that he hoped the proposed ordinance would preserve trees and increase the tree canopy.

Claudette Mullet spoke in support of the proposed ordinance and in opposition to the Technical Advisory Committee's recommendations. She suggested considering air quality and saving 3,000 trees in Hardberger Park.

Cesar Macorro spoke in opposition to the proposed ordinance and recommended maintaining the current ordinance until it had been proven to no longer be effective.

Paul Johnson spoke in support of the proposed ordinance. He stated that studies indicate that from 2001-2006, the City of San Antonio had lost trees and canopy. He noted that the City of San Antonio should be held to the same requirements as Developers.

Rob Killen spoke in opposition to the proposed ordinance. He stated that the Development Industry had planted over one million trees last year and asked opposing groups to also consider planting trees. He noted that the Planning Commission had opposed the proposed ordinance and others should too.

Jack Uptmore, Uptmore Homes, spoke in opposition to the proposed ordinance. He stated that currently, custom home consumers have a choice regarding trees around their homes. He noted that the majority of consumers requested trees and cited the success of the City's current tree canopy. He concluded that the current ordinance was very effective.

Christel Villarreal, Sierra Club, spoke in support of the proposed ordinance. She stated that the ordinance should be revised to prevent developers from clear cutting.

Temporary Acting Councilmember Cantu asked of the current Tree Mitigation Fee Fund. Mr. Sanchez replied that the funds were used to fund the City Forester Position, operation of tree transplant machinery, training, and the bulk was used to plant trees. It was reported that the Tree Mitigation and the Tree Canopy Funds yield annual revenue of \$1.4 million. Temporary Acting Councilmember Cantu requested a break-down of the Tree Mitigation and Canopy Fund usage over the past three years.

Councilmember Chan asked of the current Mitigation/Canopy Fund balance and the Tree Planting Plan. Xavier Urrutia replied that the current fund balance was \$1.1 million. He reported that the current Tree Planting Plan included the following:

- Neighborhood Association Outreach
- Group Outreach
- Reforestation Efforts

Chairman Williams recessed the meeting into Executive Session at 6:13 p.m. He reconvened the meeting at 6:30 p.m. and stated that no action had been taken.

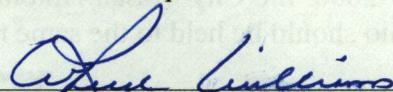
Councilmember Chan moved to forward said item to the full Council for consideration on May 6, 2010 without the suggested B Session and with the following amendment:

- 1) The credit allowed for newly planted trees to establish the final canopy be increased from 75% to 90% and,
- 2) To direct City Staff to study and propose changes to programs and budgets to proactively and progressively accomplish the goal of establishing and maintaining an average of a 40% canopy across the City of San Antonio and the associated ETJ.

Temporary acting Councilmember Cantu seconded the motion. Motion carried unanimously.

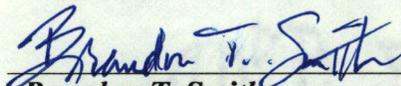
5. Adjourn

There being no further discussion, the meeting was adjourned at 6:35 p.m.



W. Reed Williams, Chairman

Respectfully Submitted,



Brandon T. Smith
Office of the City Clerk