

**CITY COUNCIL GOVERNANCE COMMITTEE MEETING
MINUTES
WEDNESDAY, OCTOBER 16, 2013
1:00 PM
MEDIA BRIEFING ROOM, CITY HALL**

Council Present:	Mayor Julián Castro, <i>Chair</i> Councilmember Diego Bernal, <i>District 1</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Rey Saldaña, <i>District 4</i> Councilmember Ron Nirenberg, <i>District 8</i>
Also Present:	Councilmember Carlton Soules
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Michael Bernard, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Chief McManus, <i>Police Department</i> ; Jeff Coyle, <i>Intergovernmental Relations Director</i> ; Anthony Trevino, <i>Deputy Chief, SAPD</i> ; Samuel Adams, <i>City Attorney's Office</i> ; Vincent Nathan, <i>Asst. Director, Metro Health</i> ; Mary Hammer, <i>Interim Director, Office of Sustainability</i> ; Jim Kopp, <i>Asst. City Attorney</i> ; Joe Nino, <i>Deputy City Attorney</i> ; Martha Cepeda, <i>City Attorney's Office</i> ; Jed Maebius, <i>Liaison, Mayor's Office</i> ; John Peterek, <i>Special Projects Manager</i> ; Rebekah Jamison, <i>Office of the City Clerk</i>

CALL TO ORDER

Mayor Castro called the meeting to order.

I. Approval of minutes from the September 18, 2013 and October 8, 2013 Governance Committee Meetings.

Councilmember Nirenberg moved to approve the minutes of the September 18, 2013 and October 8, 2013 Governance Committee Meetings as submitted. Councilmember Viagran seconded the motion. Motion carried unanimously.

II. Items requiring individual briefing(s)

A. Briefing and possible action on a request from Councilman Carlton Soules, District 10, Child Safety Zones.

William McManus, Chief of Police

Chief McManus reported that Councilmember Carlton Soules submitted a memo requesting consideration of an ordinance intended to promote, protect and improve safety and welfare of the citizens of the City by creating a Child Safety Zone around the City's Park System where children regularly congregate in concentrated numbers.

Chief McManus stated that the aspects of a Child Safety Zone should include but not limited to:

1. Any person required to register on the Sex Offender Database should not enter a park or live within 1,000 feet of a park
2. For the purpose of determining the minimum distance separation, the requirement shall be measured from property line to property line. A map depicting the prohibited areas shall be maintained by the SAPD.
3. Any Person required to register on the database would be exempt to the Child Safety Zone under the following conditions:
 - The Person has established a temporary or permanent residence within the Child Safety Zone prior to the date of adoption and has complied with all of the sex Offender Registration Laws of the State of Texas.
 - The person is a Minor. The person was a minor when he/she committed the offense and was not convicted as an Adult.
 - The person is under an order of a court of pre-eminent jurisdiction in the State of Texas or of the Texas Department of Criminal Justice Parole Board permitting the person to be within the Child Safety Zone.
 - The Municipal Court of the City of San Antonio may authorize an exemption from this ordinance if in their opinion; undue hardship will result from compliance. In granting an exemption, the court shall take into account the probable effect the exemption will have upon the public health, safety, and welfare of the community.

Chief McManus stated that currently, Texas Law allows Parole Boards and Judges to impose restrictions of this nature on parolees or individuals on probation but does not grant them the same authority once the individual has completed the term of their parole/probation.

Chief McManus stated that the Possible Considerations would be:

- Consider limiting restrictions to offenses against children
- River Walk concerns (the River Walk is considered a City Park)
- Consider including restrictions for coming within 300 feet of a park

Chief McManus stated that the proposed ordinance is another tool for law enforcement and he recommended that staff review other similar ordinances in Texas and possible alternatives. He also recommended that this item be referred to the Public Safety Council Committee in November for further discussion and action.

Councilmember Bernal stated that he would like to extend it to the Riverwalk as well.

Councilmember Nirenberg asked how many sex offenders are there currently in San Antonio. Councilmember Soules replied that there were 3,500 in Bexar County excluding minors convicted. Councilmember Soules added that they had looked at 80 Municipalities with similar Ordinances in place and the zones ranged from 300 ft. up to 2,000 ft. with the majority of Municipalities being 1,000 ft.

Councilmember Viagran moved to forward said item to the Public Safety Council Committee Meeting. Councilmember Bernal seconded the motion. Motion carried unanimously.

B. Briefing and possible action on a request from councilman Ray Lopez, District 6, regarding a Comprehensive Air Quality Policy Review.

Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health

Jeff Coyle reported that Councilmember Ray Lopez submitted a memo requesting consideration to review the Comprehensive Air Quality Policy.

Mr. Coyle reported that San Antonio is currently at risk of being designated as an area in Nonattainment by the Environmental Protection Agency (EPA) under the Clean Air Act (CAA). The current law requires the EPA to designate new nonattainment regions after a revision to existing air quality standards. New National Ambient Air Quality Standards (NAAQS) will be proposed in December, approved in 2014 and followed by a two year review.

Given the expected timeline, the EPA will likely use ozone measurements taken from 2013 through 2015 to determine nonattainment designations. In 2013, San Antonio violated current standards by reaching an ozone concentration of 80 parts per billion (ppb), exceeding the current standard of 75 ppb. EPA draft revisions tighten the ozone standard to 70 ppb. Mr. Coyle added that unless the San Antonio Region reduces its ozone concentration, it will likely be in nonattainment in 2016.

Mr. Coyle reported that Ozone is a pollutant that is created by a photochemical reaction between oxides of nitrogen (NOx) and volatile organic compounds (VOC) in the presence of sunlight and heat. He added that in the San Antonio region the sources of these compounds include motor vehicles, electricity generation, industrial activities, and other sources using certain chemicals.

Mr. Coyle said that a nonattainment designation from the EPA has three primary effects on a region: New Source Review Program (NSR), Conformity, and State Implementation Plan (SIP) enforcement. He stated that NSR requires that industry obtain a permit from the EPA for construction or modification of facilities that substantially increase pollution. Additionally, new facilities that generate large levels of pollution must offset their impact. Conformity requires that added capacity transportation projects demonstrate that they will not add pollution to the area. Projects that do not meet conformity are ineligible for federal funding. Mr. Coyle added that the Texas SIP must provide for the implementation of control measures to demonstrate attainment as soon as practicable, set out improvement increments showing reasonable further progress, and implement a vehicle inspection and maintenance program.

Mr. Coyle reported that there is currently no comprehensive plan for the San Antonio Metro Area to address federal air quality standards, but rather a collection of voluntary measures that lack specific targeted measurements.

Mr. Coyle reported that at the request of the Alamo Area Council of Governments (AACOG) Air Executive Committee, the San Antonio area has been accepted into the EPA's Ozone Advance Program for regions that are on the cusp of nonattainment. If the region demonstrates steps toward lowering ozone levels, it is possible that the EPA will postpone or defer a nonattainment designation. The AACOG Program is primarily a voluntary program for ozone reduction. One key tool will be AACOG's photochemical model that will allow for the testing of potential outcomes in ozone levels given specific changes to pollution generating sources. This model is expected to be approved by the State and functioning by Early 2014. The model could play a key role in developing a strategic plan to identify measurable goals and an appropriate mix of pollution control strategies to reduce ozone in the region.

Mr. Coyle recommended that a internal working group be established to identify ozone reduction opportunities, to include representatives from Metro Health, Office of Sustainability, Planning and Community Development and Intergovernmental Relations.

Mr. Coyle also recommended that the City identify and coordinate existing initiatives and programs that work to address ozone pollution; that a plan be developed to determine control measures needed to meet NAAQS in partnership with AACOG; and that the results of the internal working group be reported to the Intergovernmental Relations Council Committee.

Councilmember Nirenberg mentioned that the average would put the City in nonattainment and added that this was vitally important. Mayor Castro asked of putting together a Master Plan for an approach. Mrs. Sculley said that they would begin a dialogue with the IGR Council Committee next week.

Mayor Castro asked if the City had the expertise in place at this time. Mrs. Sculley stated that currently Human Resources is recruiting an individual for the Sustainability Office.

Councilmember Saldaña moved to forward said item to the Intergovernmental Relations Council Committee. Councilmember Bernal seconded the motion. Motion carried unanimously.

III. Consideration of items for future meetings

A. Next Meeting Scheduled: November 20, 2013

Mayor Castro announced that the next Governance Council Committee Meeting was scheduled for November 20, 2013. There being no further discussion, Mayor Castro adjourned the meeting at 1:42 p.m.

ATTEST:



Deticia Vacek, TRMC/MMC
City Clerk



Julián Castro
Mayor