

**Quality of Life Council Committee  
Meeting Minutes**

**Monday, August 9, 2010  
2:00 PM  
City Council Chambers**

**Members Present:** Councilmember Jennifer V. Ramos, Chair, *District 3*  
Councilmember Ivy R. Taylor, *District 2*  
Councilmember David Medina, Jr., *District 5*

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**Members Absent:** Councilmember Mary Alice P. Cisneros, *District 1*

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**Staff Present:** T.C. Broadnax, *Assistant City Manager*; Peter Zandoni, *Assistant City Manager*; Sharon De La Garza, *Assistant City Manager*; Michael Bernard, *City Attorney*; Dr. Bryan Alsip, *Metro Health Assistant Director*; Charles Pruski, *Metro Health Assistant Director*; Nina Nixon-Mendez, *Grants Monitoring & Administration Administrator*; Hollis Young, *Deputy City Attorney*; Edward Guzman, *Assistant City Attorney*; Brandon Smith, *Office of the City Clerk*

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**Also Present:** Councilmember John Clamp, *District 10*; Councilmember Reed Williams, *District 8*; Richard Perez, *Greater San Antonio Chamber of Commerce*

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**Call to order**

**1. Approval of the Minutes for the June 8, 2010 Quality of Life Council Committee Meeting**

Councilmember Medina moved to approve the Minutes of the June 8, 2010 Quality of Life Council Committee Meeting. Councilmember Taylor seconded the motion. Motion carried unanimously.

**CONSENT AGENDA**

Councilmember Taylor moved to approve the Consent Agenda Items. Councilmember Medina seconded the motion. Motion carried unanimously.

**2. Citizens to be Heard**

There were no citizens to be heard under the consent agenda.

**3. Consideration and approval to amend the City of San Antonio's Neighborhood Stabilization Program Substantial Amendment to the Consolidated Plan and Annual Action Plan to reprogram an amount of \$241,589.90 of remaining construction loan funds, soft second loan funds, and down payment assistance funds to the administrative allocation of the City's Neighborhood Stabilization Program**  
Presented by Nina Nixon-Mendez, Administrator, Grants Monitoring & Administration;  
T.C. Broadnax, Assistant City Manager

## INDIVIDUAL BRIEFINGS

### **4. Citizens to Be Heard for Individual Items**

Presented by Nina Nixon-Mendez, Administrator, Grants Monitoring & Administration

Citizens were acknowledged during individual items.

### **5. Consideration and approval of a reprogramming of approximately \$6,968,731 in Section 108 funds; amending the city-wide neighborhood improvement district allocation and assigning to specific projects, and ratifying current and completed Section 108 projects**

Presented by Nina Nixon-Mendez, Administrator, Grants Monitoring & Administration; T.C. Broadnax, Assistant City Manager

Nina Nixon-Mendez provided information on an ordinance reprogramming \$6,968,731 from project cost savings to cancel and close-out projects with balances and projects that were not implemented. It will also redirect the remaining loan funds to existing projects which can be implemented by December 1, 2011. She reported that of 81 projects, 72 projects were completed or would be completed by September 2010; 8 projects were in process; and 4 projects had been canceled. She noted that said action would not affect the General Fund Budget and that the proposed reprogramming would reallocate HUD 108 loan funds to cover shortfalls and fund new projects. She added that the action would also ratify budget adjustments on HUD 108 projects that have already been completed.

Councilmember Medina moved to forward said item to the full Council for consideration. Councilmember Taylor seconded the motion. Motion carried unanimously by those present.

### **6. Briefing and possible action on the proposed revisions to the Smoking Ordinance**

Presented by Dr. Bryan Alsip, Assistant Director, Metro Health; Sharon De La Garza, Assistant City Manager

Dr. Bryan Alsip reported that in order to be recognized as a smoke-free city, indoor smoking must be prohibited in: Municipal worksites/Private worksites; Restaurants; Bars in restaurants; and Bars not in restaurants. He stated that designees must meet all criteria and that the City of San Antonio only met the first two criteria. He presented the following staff recommendations:

- Amend the current ordinance to prohibit smoking in bars, billiard halls, bingo facilities, comedy clubs, gaming facilities, and restaurants
- Prohibit smoking in additional designated public spaces including:
  - San Antonio Zoo, San Antonio River Walk, Álamo Plaza, Main Plaza
  - City-owned Parks
  - Childcare and adult day care facilities
  - All outdoor sports arenas, stadiums, amphitheaters
  - Within 20 feet of outdoor public transportation stations, platforms, and shelters
  - Outdoor service lines (for ATMs, concerts, food vendors, movies, and sporting events)

### Citizens To Be Heard

**Faye Lane**, Humana, spoke in support of the proposed revisions. She stated that she had been a Registered Nurse for over 30 years and provided care for many cancer patients. She noted that she had lost her father, uncle, her left leg; and a portion of her right lung to cancer. She added that cancer treatments can be devastating and the outcome long lasting.

**Juan Flores**, La Fe Policy Research & Education Center, spoke in support of the proposed revisions. He stated that Mexican-Americans make up the majority of the city and are disproportionately at risk to smoking and secondhand smoke. He noted that employment options do not allow a choice for a smoke-free work environment. He requested that City Council assist small businesses to acquire medical insurance for employees and approve the proposed ordinance.

**Mark Seffel** spoke in support of the proposed revisions. He stated that he has worked in restaurants for 24 years and that he hoped to continue to do so. He noted that he had asthma and that it wasn't fair that he had to be exposed to secondhand smoke.

**George Braue** spoke in support of the proposed revisions. He stated that 450,000 people die each year from cancer and other related diseases caused by smoking and secondhand smoke. He noted that passage of the proposed ordinance would save lives.

**Dr. Dora McConnell**, Academic Excellence Tutoring, spoke in support of the proposed revisions. She stated that she was a retired physician and resident of San Antonio. She noted that she was an asthmatic and tobacco smoke was an instant trigger. She indicated that she has had to avoid secondhand smoke all of her life and that she had treated babies and infants with respiratory and ear infections caused by the smoking of others. She provided reports by the Surgeon General and published by the U.S. Department of Health and Human Services on the harmful effects of smoke on the human body. She urged the committee to review the reports and consider the health of the citizens of San Antonio when voting on the proposed ordinance.

**Tuesday Knight**, YMCA, spoke in support of the proposed revisions. She stated that the YMCA is an organization that supports strong kids, communities, and families. She noted that the proposed ordinance would help the city and that the organization supports passage of the ordinance.

**Susan Lozano**, San Antonio Smoke-Free Coalition, spoke in support of the proposed revisions. She stated that a smoke-free San Antonio was good for workers because secondhand smoke is a serious workplace safety issue and employees shouldn't have to choose between employment and protecting their health. She urged the Committee to use their ability to save lives and vote for a smoke-free San Antonio.

**Jacque Petterson** spoke in support of the proposed revisions. She informed the Committee that she was diagnosed with Adult Onset Asthma after working and living in secondhand smoke for 40 years. She stated that she moved into a condo where a smoker lived below her, filling her home with smoke and further damaging her lungs. She noted that she requires \$400 per month to keep her breathing intact and that she has Bronchitis 3-4 times a year for the past ten years. She added that secondhand smoke is a silent killer and urged the Committee to vote for the proposed ordinance.

**Wayne Harper**, Martini Club, spoke in support of the proposed revisions. He stated that has entertained professionally in a nightclub environment in San Antonio for the last 35 years and has owned the Martini Club for the past 20 years. He cited his chronic exposure to secondhand smoke over the past 35 years and indicated that he had been diagnosed with cancer in 2006 and had his first heart attack in 2007. He noted that his physicians warned him that secondhand smoke in his club was killing him and recommended that he leave the business or will die. He added that a no smoking policy was implemented at his club on weekends and that the positive response was overwhelming.

**Ken Slavin** spoke in support of the proposed revisions. He stated that he has been a professional singer for the past 20 years and has been forced to sing in smoke-filled environments. He noted that he has suffered from chronic bronchitis and has been forced to stop singing due to exposure to secondhand smoke. He added that the best thing for this city was to have smoke-free enclosed environments.

**Leslie Friedman**, UTSA, spoke in support of the proposed revisions. She reported that the 2005 BRSF Study indicated that 26% residents on the Westside of San Antonio were smokers. She stated that area studied was predominantly Hispanic and that the percentage of smokers was disproportionately high. Additionally, she reported that higher rates were reported for African American residents and youth.

**Mike Patton** spoke in opposition to the proposed revisions. He stated that small bars would be adversely affected by the proposed revisions and expressed concern with enforcement. He spoke of the negative impact of police enforcement in his establishment and noted that enforcement by bartenders would affect their tips. He suggested enforcement of the ordinance by the Health Department.

**Jimmie Perkins**, University of Texas School of Public Health, spoke in support of the proposed revisions. He stated that he had been studying the effects of air pollution on health for over 30 years. He spoke of the difference between chronic and acute harm. He stated that over 250,000 die each year in San Antonio as a result of secondhand smoke, not including hospitalizations and illness. He urged the Committee to protect all workers from secondhand smoke.

**Angie McClure**, Smoke Free San Antonio, spoke in support of the proposed revisions. She requested that the Committee show her daughter who is afflicted with lung disease, that her life is more valuable than the smoker's right to pollute the air. She stated that the citizens of San Antonio should not have to pay the consequences for someone else's choice to indulge in a known cancer causing toxic product. She implored the Committee to review the basic argument and added that the simple solution to ask the smoker to step outside.

**Mark Lewis**, Fast Eddie's Billiards, spoke in opposition to the proposed revisions. He stated that he owned three clubs in San Antonio and he does not have the space to build a patio. He noted that there were safety issues requiring patrons to step outside to smoke and that the current ordinance had worked fine for the past seven years.

**Nick Pena**, LULAC, spoke in opposition to the proposed revisions and stated that the proposed revisions would have a negative effect on small businesses. **Rosa Rosales** expressed concern with the loss of jobs and businesses if the proposed ordinance is passed. She stated that further negotiations should take place to ensure that there was no hardship on small business owners. She also expressed concern with the exceptions to the smoking ban and noted that there should

be none. **Henry Rodriguez** stated that if individuals are not allowed to smoke in bars, they will smoke at home, and endanger their families. He noted that a committee should be formed to educate children to tell their parents to quit smoking or to smoke outside.

**Hans Nadler**, San Antonio Restaurant Association, spoke in opposition to the proposed revisions. He expressed concern with City Government making policy regarding his business and stated that the proposed ordinance was a form of socialism.

**Yolanda Ellano**, San Antonio Restaurant Association, spoke in opposition to the proposed revisions. She stated that a total smoking ban was unnecessary, misguided and would place their economics at risk. She noted that the proposed revisions set a precedent for unwanted government intrusion in the affairs of private business owners. She stated that the organization supports a state-wide ban so that all businesses are on a level plain. **Ruben Cortez** stated that the proposed ordinance was idealistic and will do nothing more than redirect smokers to other municipalities. He noted that the current smoking ordinance was effective and allowed business owners to cater to all of their guests. He added that the proposed ordinance would cause business owners to treat smokers as second-class citizens. He asked that either the current be left alone; there be a reasonably crafted compromise; or a state-wide ban be implemented so that all businesses are placed in the same playing field.

**Nancy Hunt**, Paseo Del Rio Association, spoke in opposition to the proposed revisions. She stated that the Paseo Del Rio Board opposed the proposed revisions for the following reasons: 1) They had not seen a draft of the ordinance; 2) Allowing smoking on outdoor patios throughout the city with the exception of RiverWalk establishments poses an unfair competitive advantage for non-Riverwalk establishments; 3) Negative impact on tourism; and 4) Enforcement. She stated that the proposed ordinance should apply to all venues regardless of geography.

**Bill Gayton** spoke in support of the proposed revisions. He stated that his wife had been diagnosed with MS and that he moved his family from Chicago to San Antonio to lower the risk of his daughters developing MS. He noted that smoking or exposure to smoke increased the risk of developing MS and many other diseases. He added that he would like for his daughters to have freedom of choice without restriction or qualification and have the ability to choose a workplace or activity without sacrificing their health.

**Vince Fonseca**, Public Health Physician, spoke in support of the proposed revisions. He reported that there was no safe level of environmental tobacco smoke and it is a health hazard. He stated that opportunities for better health begin where we work and where we live. He noted that over 700 bars and restaurants in San Antonio allow smoking and that citizens should have the opportunity to work in a smoke-free environment.

**Richard Perez**, Greater San Antonio Chamber of Commerce, spoke in support of the proposed revisions. He reported that an overwhelming majority of Chamber Members support the proposed revisions because of the significant health costs to small business. He stated that the Greater Chamber also supported a state-wide smoking ban to be included in its State Legislative Agenda.

**Melinda Little**, CTFK, spoke in support of the proposed revisions. She stated that similar smoking ordinances had been successfully implemented across the nation without any negative economic impact. She urged the Committee to vote in favor of the proposed ordinance.

**Joel Romo**, American Heart Association, spoke in support of the proposed revisions. He stated that the facts of the proposed ordinance were: 1) health; 2) quality of life; 3) a healthier workplace; and 4) protecting the right to breathe clean air. He cited the economic benefit of a San Antonio restaurant that changed to a smoke-free environment and noted the positive response. He applauded the work of LULAC and indicated that the organization endorsed the "Building Healthier Communities Campaign" with a key component to advocate for secondhand smoke-free ordinances nationwide. He expressed concern that LULAC's efforts have gone contrary to advocating this smoke-free ordinance.

**Courtney Denton** spoke in support of the proposed revisions and thanked the Committee for taking the initiative to re-evaluate the current smoking ordinance. She stated that there were no risk free levels of secondhand smoke and noted that there were numerous studies that indicate that smoke-free ordinances do not hurt the hospitality industry.

**Bill Johnson**, Save Our Jobs Alliance, spoke in opposition to the proposed revisions. He stated that the current smoking ordinance was effective and that the proposed revisions would definitely hurt the economy.

**Jimmie Hasslocher**, former City Councilmember, spoke in opposition to the proposed revisions. He stated that the proposed ordinance will not work and would do nothing more but disburse people into other areas.

**Joanne Ramon** spoke in opposition to the proposed revisions. She stated that the proposed ordinance will not deter people from smoking. She asked the Committee not to exclude any venues and to enforce the ordinance on all businesses.

Chairperson Ramos recognized Councilmember Williams and thanked him for joining the meeting.

Councilmember Medina thanked everyone for their participation and recognized staff for their work on said item. He stated that he understood the concerns of small business owners and that all concerns presented were legitimate. He mentioned that he had initiated a tobacco-free/alcohol-free zone at the 2010 Fiesta Parade and noted a positive response from the public. He stated that secondhand smoke has a negative impact and spoke in support of the proposed revisions.

Councilmember Taylor thanked everyone for taking time to attend the Committee Meeting and express their concerns. She stated that she had reviewed many studies and reports and had concluded to protect the health of workers and citizens. She asked of a separate ventilation system requirement in the current ordinance. Dr. Alsip replied that the current ordinance does not require a separate ventilation system nor was it a requirement for new construction. Councilmember Taylor requested that staff place the proposed language to the smoking ordinance online.

Councilmember Medina presented letters of support from the following individuals: Bill Greehey, Lisa B. Masters, and Wayne Harper. Chairperson Ramos presented a letter from the San Antonio Area Tourism Council.

In response to Chairman Ramos, Dr. Alsip replied that the criteria designation for a smoke-free city was created by Americans for Nonsmokers Rights. He stated that those requirements are

used by organizations to determine if they will bring business to a city based on its smoke-free designation. He noted that there were over 30 organizations that would not come to San Antonio because the City did not meet those requirements. Chairperson Ramos asked if a city was considered smoke-free upon adoption of the ordinance or when the ordinance was enacted. Dr. Alsip stated that a city was considered smoke-free when the ordinance was enacted.

Councilmember Medina moved to forward said item to the full Council for consideration. Councilmember Taylor seconded the motion.

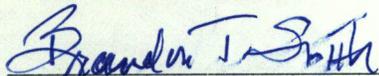
The motion prevailed by the following vote: **AYES:** Medina, Taylor. **NAY:** Ramos. **ABSENT:** Cisneros.

T.C. Broadnax clarified that the project list presented by Ms. Nixon-Mendez for the HUD Section 108 reprogramming projects for District 7 was a tentative list. He noted that many of the projects may change and could be amended extensively.

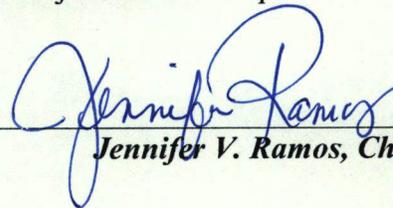
### 7. Adjournment

There being no further discussion, the meeting was adjourned at 3:58 p.m.

*Respectfully Submitted,*



*Brandon T. Smith*  
*Office of the City Clerk*



*Jennifer V. Ramos, Chairperson*