

A RESOLUTION **2009-03-05-0004R**

SUPPORTING THE RECOMMENDATION OF THE SAN ANTONIO-BEXAR COUNTY TRANSPORTATION TASK FORCE TO CREATE AN OPTION TO CONSOLIDATE REGIONAL MOBILITY AUTHORITY, VIA METROPOLITAN TRANSIT, AND THE ADVANCED TRANSPORTATION DISTRICT

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WHEREAS, San Antonio Mayor Phil Hardberger and Bexar County Judge Nelson Wolff appointed a 12-member Transportation Task Force (Task Force) to review the County's and City's transportation challenges and opportunities; and

WHEREAS, with a lack of sufficient state and federal resources to meet the transportation infrastructure needs of our region the Task Force was asked to look at how best to leverage local funding; and

WHEREAS, the City of San Antonio realizes stricter air quality standards are looming in the face of a growing population that will increase the number of vehicles on our roads; and

WHEREAS, to be economically competitive, our region must have an integrated, efficient multi-modal transportation system that includes an enhanced public transit system, including light rail in San Antonio; and

WHEREAS, The Task Force adopted recommendations which include creating an integrated transportation system that supports our growth and economic development by providing public transit options, improving air quality, and leveraging local resources and building our community's system to rival our peer regions in Texas and across the United States; and

WHEREAS, former Mayor and Task Force Chairman William Thornton presented the Task Force's recommendations to the City Council on March 4, 2009 seeking its support of pending legislation that would carryout the Task Force's recommendation regarding governance for the areas transportation system; **NOW THEREFORE:**

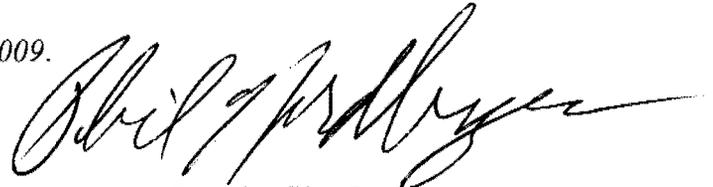
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1: The City Council supports the concept of state legislation that would provide an option for the consolidation of the San Antonio Regional Mobility Authority, VIA Metropolitan Transit, and the ATD into one entity in order to create a more functional transportation system. The Board of the new entity is to be composed of six members to be appointed by the City of San Antonio, four by the Bexar County Commissioner's Court and two by local suburban mayors, with the chair to be appointed by the Board.

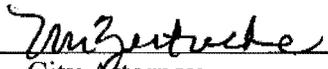
SECTION 2: The City's legislative program is amended to include the City's position on this legislation. City staff is directed to inform the Bexar County delegation of the City's support of the idea of consolidation and to work towards the enactment of legislation that includes this concept.

SECTION 3: RESOLUTION EFFECTIVE DATE. This Resolution shall become effective immediately upon receipt of eight (8) affirmative votes.

PASSED AND APPROVED *this 5^h day of March, 2009.*


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Item:	4						
Date:	03/05/2009						
Time:	10:45:28 AM						
Vote Type:	Motion to Appr w Cond						
Description:	Briefing and possible action on legislation filed in the 81st Regular State Legislative Session. [A.J. Rodriguez, Deputy City Manager; Carlos Contreras, Director, Intergovernmental Relations]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3			x			
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5			x			
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7			x			
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x			x	
John G. Clamp	District 10		x				



81st State Legislative Session

City of San Antonio

Legislative Program Summary

3/5/2009

KEY DATES/INFORMATION

- The 81st session of the Texas Legislature convened on Tuesday, January 13, 2009.
- The Session will last 140 days, ending June 1, 2009.
- The 60 day mark, which is the deadline for filing bills and joint resolutions other than local bills or emergency appropriations, is Friday, March 13, 2009.
- Sunday, June 21, 2009 is the last day Governor can sign or veto bills passed during the 81st regular legislative session

***CITY'S PRIORITY ISSUES**

1. Military Installation Protection Act* (Sen. Van de Putte, Rep. McClendon)

- Representative McClendon has introduced HB 143. This legislation would grant certain counties regulatory authority around military facilities in certain circumstances.
- City staff is reviewing draft legislative language presented to the City by Sen. Van de Putte. Staff has reviewed this draft language and presented comments to Sen. Van de Putte office.
- Senator Van de Putte's bill has the same goal as Representative McClendon's bill, but attacks the problem from a different perspective. Sen. Van de Putte's language, which has yet to be filed, calls for the creation of a regional military sustainability commission to "preserve the critical military missions and their operations; and to ensure state and national security." The Commission can only be created in those "defense communities" that have completed a Joint Land Use Study.

2. Transportation*

- Representative Villarreal has introduced HB 1674, provides local option funding for transportation needs. This legislation provides a menu of options for funding for a variety of transportation projects, including passenger rail, transit, roadway, and freight rail facilities and sidewalks, hiking trails and biking trails (as well as for their operation and maintenance), capital and debt service. The projects and funding sources would have to be approved by the voters.
- Senator Carona has filed several bills important to the City of San Antonio. Each bill will be reviewed by the City staff and the Lobby Team to determine if a particular bill meets a specific transportation goal of the City. These bills include:
 - SB 216 relating to the permissible uses of the state highway fund.
 - SB 263 relating to the issuance by the Texas Transportation Commission of general bonds

or highway improvement projects.

- SB 855 relating to local options regarding transportation and mobility improvement projects in certain counties. (Statewide bill bracketed to Travis and Bexar counties)
- SJR 24 proposing a constitutional amendment allowing the expenditure of motor vehicle fuel taxes and registration fees for passenger rail, transit and freight rail.
- Sen. Wentworth has filed **SJR 26**. This bill is a statewide local option bill which contains a more expansive set of potential options and fees.

3. Graffiti*

- Several bills have been introduced relating to graffiti. IGR staff and the Lobby Team are reviewing these bills to determine if COSA's interested are represented. The bills range from tighter controls on the sale of spray paint, removal of graffiti to increased penalties for convictions of an offense of graffiti. These bills include:
 - HB 218 (Rep. Menendez) relating to the regulation of the sale of aerosol paint by counties and municipalities. This bill has been referred to committee on House County Affairs.
 - HB 385 (Rep. Ortiz) relating to the prosecution and consequences of certain offenses involving graffiti; providing penalties. This bill has been referred to committee on House Criminal Jurisprudence.
 - HB 489 (Rep. Pickett) relating to the authority of a county or municipality to remove graffiti from private property at the owner's expense. This bill has been referred to committee on House County Affairs
 - HB 1234 (Rep. Menendez) relating to the regulation of the sale of aerosol paint. This bill has been referred to committee on House State Affairs
 - HB 1558 (Rep. Martinez-Fischer) would criminal penalties and civil consequences for defendants convicted of an offense of graffiti and for juveniles adjudicated as having engaged in conduct involving graffiti. This bill has been referred to committee on House Criminal Jurisprudence
 - SB 551 (Sen. Carona) relating to civil liability for criminal street gang activity.
- The IGR Director has met with Councilwoman Ramos.

5. Agricultural Operations*

- City Attorney's Office has provided comments to Representative Villarreal's office on this draft bill. We anticipate the bill will be introduced in the next few days.

6. Impact Fees

- HB 403 by Rep. Villarreal, would provide for the collection of impact fees for the construction of new fire stations near newly developed communities. City staff provided oral testimony in support of HB 403 in the House State Affairs Committee on March 3rd.

INITIATIVES

1. Extension of the Diabetes Mellitus Pilot Program

- **HB 1363** by Representative Gutierrez, relating to a voluntary statewide diabetes mellitus registry.
- Metro-Health staff is currently working on draft language that will be acceptable to Representative Gutierrez, Senator Van de Putte and the City.

2. Extension of the MRSA (Staph infections) Pilot Program

- **HB 1362** by Representative Gutierrez, relating to the reporting of methicilin-resistant Staphylococcus aureus.
- Metro-Health staff is currently working on draft language that will be acceptable to Representative Gutierrez, Senator Van de Putte and the City.

3. Regulate the sale of Salvia divinorum to minors

- Rep Anderson filed **HB 126** Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Controlled Substances Act; Rep. Anderson has been made aware of San Antonio's support of his bill. This bill was heard in the House Criminal Jurisprudence Committee and was left pending further action.
- **HB 839** by Representative Martinez, would create a Class C misdemeanor penalty, if the person, with criminal negligence, sells, delivers, or causes to be sold or delivered salvia divinorum or a product containing salvia divinorum to a child or to another person who intends to deliver it to a child. This bill has been referred to the House Criminal Jurisprudence Committee.
- Senator Estes filed **SB 257**. This bill is similar to HB 839 and would also create a Class C misdemeanor penalty for the sale and/or delivery of salvia to a minor. This bill has been referred to the Senate Criminal Justice Committee.

4. Fire Department –“Engineer” Designation (Rep. Farias)

- **HB 1065** by Rep. Farias, Relating to the use of the term "engineer" by certain fire department employees. City staff is working with Rep. Farias on this bill that has been referred to committee on Licensing and Administrative Procedures.

5. Fire Department Personnel Improvements (Rep. Farias)

- **HB 1064** by Rep. Farias, Relating to the length of time an eligibility list remains in effect for beginning positions in a fire department in certain municipalities under municipal civil service. City staff is working with Rep. Farias on this bill that has been referred to committee on Urban Affairs.

6. Sports Event Trust Fund*

- **HB 398** by Representative Ortiz, would promote major athletic, motor sports racing and other special events. This bill has been referred to Committee on House Technology, Economic Development and Workforce.

PROTECTION OF MUNICIPAL INTERESTS

1. Eminent Domain

- To date, 15 bills have been filed on the subject of eminent domain.
- **HB 4** by Representative Orr and **SB 18** by Senator Estes are the major omnibus eminent domain bills for the session but the others need to be monitored as well. HB 4 has been referred to the House Land and Resource Management Committee and SB 18 has been referred to the Senate State Affairs Committee.

OTHER ISSUES

1. Dangerous Dogs

- The IGR Director met with Councilwoman Ramos on Wednesday, March 4th to discuss legislative issues and possible solutions to positively address the issue of dangerous dogs.
- The City Council IGR Committee will discuss and possibly take action at March 11th meeting directing staff to pursue specific legislative language related to dangerous dogs
- Several bills have been introduced related to dogs that address the handling of breed specific dogs, dog fighting and the restraint of dogs. The bills include:
 - HB 925 (Rep. Dutton) Relating to the handling of or caring for a pit bull breed of dog by certain minors; providing penalties. This bill has been referred to the House State Affairs Committee.
 - HB 1147/SB 554 (Rep. Frost/Sen. Whitmire) HB 1147 filed by Representative Frost, would create an offense of dog fighting and allow for criminal (Class A misdemeanor) and civil consequences (forfeiture of property used in the commission of that offense) of committing that offense. This bill has been referred to the House Criminal Jurisprudence Committee.

2. Appraisal Reform

- Currently, there have been 115 bills related to property tax appraisals. Most of these bills will be referred to the House Ways and Means Committee and the Senate Finance Committee.
- House Ways and Means Committee Chairman Rep. Oliveira stated on Wednesday, February 25th that appraisal reform would be the first subject addressed by the committee and bills related to appraisals may be heard as soon as the week after next.
- These bills range from:
 - lowering the limit on the maximum appraised value of a residence homestead for ad valorem taxation purposes (HB 2 by Rep. Otto; HB 147 by Rep. Callegari; HB 711 by Rep. Rose; HJR 12 by Rep. Lebowiz and SJR 10 by Sen. Nichols).
 - the appeal of certain ad valorem determinations through binding arbitration (HB 500 by Rep. Kolkhorst, HB 986 by Rep. Villarreal; SB 1117 by Sen. Nichols and SB 721 by Sen. Hegar).
 - the determination of the value of property for ad valorem tax purposes (HB 133 by Rep. Villarreal; HB 209 by Rep. Bohac and SB 771 by Sen. Williams).
 - the local option election in a county to set a limit on the maximum appraised value of a residence homestead for ad valorem tax (HB 46, by Rep. Riddle; and HB 1546, by Rep. Creighton).
- The IGR Committee will continue to monitor this and other bills and will oppose any which may have a negative impact on municipal interests.

NO CHANGE IN STATUS FROM LAST REPORT.

DEAAG*

- Senate Finance is currently deliberating on SB 1. Hearing has been set for SB 1 on March 5th and 6th and March 9th. We believe that Rep. Corte continues to support DEAAG funding at \$5 million. Given the state's current budget shortfall, securing a \$30 million appropriation, will be difficult. The good news is we have worked closely with the Governor's Office on the matter and their Legislative Appropriations Request did contain flat line funding for DEAAG at \$5 million. One

possible downside is that the \$5 million could be stricken to balance the budget in conference. Work with The Texas Defense, Aviation and Aerospace Alliance (TDAAA) continues and they are currently trying to update the jobs created and funds leveraged metrics from grants given over the last several years. Also, the Texas Military Preparedness Commission (TMPC) Sunset legislation will include language that would authorize DEAAAG funds for “retained” jobs, instead of the current “net new jobs” requirement.

Texas Municipal Retirement System (TMRS) Amendments*

- Several bills have been filed related to this issue.
- City staff will monitor bill language to determine what legislation will meet the City’s goals.
- These TMRS bills include: **HB 360** by Rep. Kuempel (TMRS Bill), **HB 1344** by Rep. Menendez, **SB 654** by Zaffirini, **SB 908** by Senator Williams.

Economic Development*

- HB 733 by Rep. Oliveira, relating to extending the expiration date of the Property Redevelopment and Tax Abatement Act has been filed. This bill has been referred to the Committee on House Transportation.

Clean Air Funding

- \$5.075 million for the biennium is contemplated in SB 1 by Sen. Ogden, the LBB base line budget, which was worked through the Legislative Appropriations Request process of Texas Commission on Environmental Quality (TCEQ). However, Rider #8 also expands the eligible communities to include Waco, El Paso and Beaumont and directs TCEQ to allocate funds for projects most useful for meeting the State Implementation Plan (SIP). The addition of new cities and SIP criteria might limit San Antonio access to funding, so additional advocacy and review is needed. Staff is working with TCEQ on their exceptional items to increase funding so the principle participants funding is not diluted as a result of new cities being added.

Haven for Hope Funding

- Staff is seeking new sponsor in the House. Budget constraints will complicate securing additional state funding. Staff is working with the Big City Mayors’ initiative to secure funding for this legislation.

Meet and Confer for Civilian Employees

- Senator Van de Putte has a draft bill that City staff is providing comments.

Rezoning Public Hearing Publication Notification Requirements

- Rep. Corte filed HB 45. HB 45 would allow the City to post rezoning notifications on the City's official website. This bill has been referred to the Committee on House Land and Resource Management

Preservation of Court Records

- Rep. Corte has requested a draft from legislative council and has been informed this legislation will be a local bill and, as such, notification must be posted in the media that Rep. Corte intends to file a bill. Rep. Corte has requested the City take appropriate steps regarding this notice. Rep. Corte will provide the language for the caption for the notice.

Fire Department –“Engineer” Designation

- Received draft for Leg Council; review by Asst Fire Chief Noel Horan; Chief suggests change phrase “fire apparatus” to “fire dept vehicle”. This will not exclude paramedics, DC aides, etc from being able to be designated “engineers”.

Public Information Act Amendments

- IGR staff is working with our Lobby Team to get this bill introduced. It appears that Sen. Wentworth may introduce this bill for the City.

FUTURE ACTIONS

All of our legislative bills which are noted as a priority have either been initially drafted or have been sent to Legislative Council for drafting. IGR staff and our legislative consultants are busy reviewing bills and working with our delegation and their staff members to educate them on our legislative priorities.

There have been approximately 3,800 bills filed thus far. Last session, 6,829 bills were filed, so roughly 37% of bills that will be filed have been filed. IGR staff will be working closely with city staff to review and analyze bills that have a municipal impact. If historic trends remain, approximately 20-25 percent of the total number of bill filed will have a municipal impact or anywhere from 1,200-1,700 bills will be monitored by City staff.