

**The Minutes of the  
Air Improvement Resources Executive/Advisory Committee Meeting  
Alamo Area Council of Governments  
8700 Tesoro Drive, Suite 100, San Antonio, Texas  
Wednesday, March 26, 2003, 9:00 a.m.**

**Executive Committee Members**

Mayor Patrick Heath, Chair, City of Boerne  
Com. Jay Millikin, Vice-Chair, Comal Co.  
Gene Uptain, Greater Bexar CCC  
Commissioner James Wolverton, for Judge  
Donald Schraub, Guadalupe Co.  
Walter Ague, for Councilwoman Conner, COSA  
Mayor Adam Cork, City of New Braunfels  
Renee Green for Judge Nelson Wolff, Bexar Co.  
Ernest Hernandez, Councilman City of Seguin

**Guests**

Edmund Ortiz, Primetime News  
Chris Anderson, Express-News  
Mike Magee, TCEQ  
Debra Engler, SAWS  
Bill O'Connel, Seguin Gazette  
Pam Bransford, COSA  
Stanley A. Dabney, Alamo Cement  
Nancy Strack

**Technical Committee Members**

Cyndi Levesque, CPS (alt.)

**Advisory Committee Members**

Com. John Kight, Kendall Co.  
Rebecca Gray, Am. Lung Asso.  
Forrest Mims, Guadalupe County  
Chris Treutler, USAA  
Ken Bercaw, New Braunfels CCC  
Charissa E. Barnes, TSIA

**Citizens to be Heard**

Nancy Strack  
Charissa E. Barnes

**AACOG Staff**

Al Notzon, Executive Director  
Dean Danos, Deputy Director  
Peter Bella  
Dorothy Birch  
Brenda Williams  
Steven Smeltzer  
John Quebe  
Isabel Chacon  
Berti Vaughan

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**I. Roll Call**

Chairman Heath called the meeting to order and asked that the roll be called. Dean Danos called the roll and declared a quorum.

**II. Citizens to be Heard**

Chairman Heath called upon the first speaker Nancy Strack to address the committee. Ms. Strack read a prepared statement (attached at the end of these minutes, verbatim). She thanked several members of AACOG staff. She addressed the Chair of the AIR Technical Committee, Ms. Renee Green. Ms. Strack said that, during her time at the podium during the previous AIR Technical Committee meeting, Ms. Strack had asked for several moments of silence in respect for the troops overseas. Ms. Green had, she said, counted this time of silence as part of her three minutes under Citizens to Be Heard. Ms. Strack used the remainder of her time in silence in respect for the troops overseas.

Chairman Heath asked the second person signed up to speak, Charissa Barnes to address the committee. Mrs. Barnes stated her name and affiliation (Texas State Inspection

Association) and expressed her desire to address them “as herself today”. She reminded the committee that for several years she had been participating in several sub-committees in this group and asked for the committee’s guidance in restoring the appropriate tone for the actions that are being taken in the air technical committee meetings. She asked that the committee consider adopting a code of conduct in the by-laws. She pointed out that during the past couple of months the conduct in the Air Technical Committee has been less than desirable. She asked the committee to consider adopting a code of conduct with three provisions; a provision to address the inappropriate behavior with a committee member, another provision to address the appropriate behavior of the individual with the appointee, and third a provision which requires the removal and replacement of the individual by the appointee. She remarked that the Air Technical Committee had in their charge a large amount of work and deadlines to meet. She said that the statements and actions of inappropriate behavior were delaying the work and deadlines. She pointed to the importance of the Early Action Compact and the need for appropriate conduct and respectfully requested that a code of conduct be included in the by-laws.

Chairman Heath stated that in the city council meetings in which he presided, they adhered to a ruling of the state attorney general which does not allow any elected body to respond to citizens comments. However, he pointed out that he had always been careful to note that during these meetings as they listened to comments from visitors, and citizens that the committee take mental and physical notes.

### **III. Election of the Chairman of the Air Improvement Resources Executive Committee**

Chairman Heath moved to the next item on the agenda which called for the election of the Chairman of the Air Improvement Resources Executive Committee. Chairman Heath asked to make some brief statements as they considered the item. He mentioned the rule that it was inappropriate to elect a vice-chairman on the same day and as the chair was vacated, it could be placed in the agenda for the next meeting. He began by saying that the previous fall he had mentioned to Vice Chairman Jay Millikin and Mr. Notzon that after four years of serving as chairman of the committee he wanted to step down. He wanted to continue to serve as a board member unless the Board of Directors changed their mind. He made the following statement: “I have appreciated the actions of this committee over those four years because you have chosen to engage in respectful debate rather than standing on the sidelines taking pop shots. You have chosen to try to win adherence to your point of view by the persuasiveness of your arguments rather than following the punctilios of EPA procedural policy or by intimidation, and threats, and slander and obnoxious remarks and I appreciate that. You have chosen to be involved rather than hovering in the edges. You have treated each other as adults. You have honored all persons whether they are in elected office, appointed office, or citizens just as we are. Very often over the years as I presided over the city council, people have approached the city council tables to make their points and said, “well I’m a tax payer and I demand...” Well, I’m a tax payer too. And the decisions that this group makes, the decisions that any elected body makes for that matter, the decisions made by any neighborhood organization, by any ad hoc group, affect all the members of that group. I applaud what you have done, I appreciate what you’ve done and I hope that we can continue in civil debate rather than civil slander. That we can continue in a spirit of collaboration respecting each other’s judgements and views without constant intimidation. Without constant disruption. Acting as adults who honor the troops in foreign lands by the way they act in this land. Who recognize that what they are fighting for is the right for all of us to speak and to treat each other as responsible adults and reach decision

without disruption. I applaud you. I call now as Chair of the committee for action on item number four which is to elect a new chair. “ He opened the floor for nominations.

Mayor Adam Cork from New Braunfels nominated Jay Millikin for Chairman of the Committee. Chairman Heath asked if there were other nominations. Chairman Heath welcomed a motion to elect by acclamation Commission Jay Millikin of Comal County. Mayor Cork made the motion. Walter Ague seconded the motion. There was no discussion. Mayor Heath called for the vote. Commissioner Jay Millikin was elected new chair for the Air Improvement Resources Executive Committee.

Commissioner Millikin took his place as Chair of the Committee and thanked the committee for their support. He stated that the comments made by both Mayor Heath and Charissa Barnes were echoed by the Mayor of New Braunfels. Chairman Millikin recommended strongly that rules be established as requested and said it was unfortunate that after three and a half years of free flow of information without consternation the process seemed to have dissipated in recent months. Chairman Millikin assured the committee that his involvement with the committee was to protect the health of the public and that was his pursuit as long as he was involved with the process.

#### **IV. Approval of Minutes**

Chairman Millikin asked for consideration of the March minutes. Mayor Adam Cork motioned for approval of the minutes. Councilman Hernandez seconded the motion. Chairman Millikin asked if there was any discussion. There was none. He called for the vote and the minutes were approved.

#### **V. AIR Public Education Committee Report**

Dorothy Birth presented an Air Quality Outreach Efforts report in writing for the committee's review which she would be updating each quarter for their information. She informed the committee that she had prepared a mail out which she sent out to 300 neighborhood associations. She was being asked for air quality presentations and car care booklets. She reported on the air quality notification program. So far, she had received 382 recipients of fax notifications and 298 e-mail recipients requesting air quality notification. She reported on the Ozone Season Kickoff, being held on Saturday on the premises of CPS operations on San Pedro and gave a listing of the events and activities being provided during the Kick-Off. She ended her presentation with a short power point providing some of the Air Care Poster Winners. Mayor Cork asked Ms. Birch if she was running public service announcements on radio stations. She replied yes. Mayor Cork said he had spoken to the New Braunfels radio station and they had not received a public service announcement. Ms. Birch said she would send them another. Mayor Cork asked that she include the lawn mower exchange with CPS. Ms. Birch said she would.

#### **VI. Citizens Comments: Third Public Meeting on the Clean Air Plan, March 19**

Chairman Millikin called upon staff for a report on the citizen comments made during the March 19th meeting. Peter Bella pointed to a one-page summary that Ms. Birch handed out containing a quick overview of the proceedings. He informed everyone that the elected officials had been given a verbatim transcript of the discussions as well as the power point presentations which were made available to staff for reproduction. In total, the transcript was forty-seven pages long. Forrest Mims expressed his appreciation to New Braunfels for

allowing the meeting to take place. He said that the best part of the meeting was in the last few minutes when there was a full exchange with the public. Mr. Mims said prior to that citizens were limited to their three minutes, and they were stopped immediately at three minutes but thereafter there was a full exchange which met the EPA public participation guidelines. He hoped they learned from that and hoped that it would also take place at the Seguin Public Meeting. Chairman Millikin asked where the meeting was taking place. Ms. Birch replied that the public meeting was taking place in the Seguin City Council Chambers beginning at 9 a.m. on Saturday April 12.

## **VII. Clean Air Plan Update**

### **Review of Control Strategy Matrix**

Mr. Bella presented a handout on the control strategy matrix entitled Creditable and Enforceable Emission Reduction Control Strategies. Mr. Bella explained that the Technical Committee had gone through numerous control strategies. They were still compiling and adding information about local emission reduction estimates as well as cost estimates expected from these measures. He explained the term “creditable control strategies.” These strategies needed to be Quantifiable, Enforceable, and Creditable. Mr. Bella explained that they would be brought back to the Executive Committee as early as the following month for consideration. They needed to be cognizant of the EAC Compact deadline of June 16<sup>th</sup>. This was the milestone for a public presentation to discuss and present those control strategies currently under consideration. Mr. Bella told the committee that the list did not represent a list of those control strategies that were going to be implemented. The list was simply a list of control strategies that had met the review of the Air Technical Committee. Mr. Bella asked if there were any questions. Ms. Green reinforced that there were three lists; a list of quantifiable, creditable control strategies, a list of voluntary control strategies currently in place and creditable and then another list of future control strategies. It was the Technical Committee’s intention to give all three of the lists to the executive committee in the April Meeting to go over and discuss the contents and wording. With hopes that in the May meeting the committee could vote and then that list could be transmitted by the middle of June. Walter Ague asked about emission testing in Utah as submitted to Councilwoman Conner by a constituent. He said he would submit the letter to Mr. Bella.

## **VIII. Business and Industry Outreach**

Mr. Bella said he did not have any information on this item at this time but planned on developing an approach to business and industry. He anticipated cooperation from Toyota and Martin Marietta as they both expressed a desire to have someone sit on the committee. Mayor Cork remarked that he had recently met with a couple of industries that were moving into the New Braunfels area. He said, “both businesses commented on the fact that as a region we were taking a pro-active stance on clean air and they like the fact that we are not burying our heads in the sand and that we are actually saying there is an issue and we are going to do something about it.” Mayor Cork also pointed to involving Chamber of Commerce in New Braunfels on the notification list for air quality alerts. Ms. Birch said that many chambers were already on the notification list and it would be easy to add them on. Councilman Hernandez asked Ms. Birch if she had a chance to contact the Seguin Chamber of Commerce who was under a new president and a new administration. Ms. Birch said she would put that on her task list. Councilman Hernandez said he would be working with them and offered his assistance.

## **IX. Legislative Issues**

Peter Bella discussed two legislative issues. First, he reported that the previous Thursday, the Texas Clean Air Working Group met with Representative Bonnen who discussed some changes to legislation that would affect the TERP bill. Representative Bonnen talked about two funding mechanisms a two percent surcharge on all new or used construction equipment purchases, leases or rentals to create the funding for TERP and temporary delivery on diesel equipment fuel equating to about three cents delivery fee extra per gallon. The idea here is that agricultural and off-road equipment diesel fuel would not be taxed this way. This funding would generate funds of about one hundred and fifty million dollars for TERP to the order of a hundred and five million of which will go to Houston and Dallas Region for their TERP requirements, thirty million of which will go to the current near non-attainment areas and the remaining fifteen to go to research. Secondly, Mr. Bella pointed to the language of SB1159 that states vehicle inspection vehicle requirements for an Early Action Compact may include testing exhaust emissions, examining emission control devices, and systems or an alternative testing methodology that meets or exceeds US EPA requirements. Mr. Bella said this allowed for the kinds of development that Mr. Ague had alluded to earlier.

## **X. Other Issues**

### **Consideration of Bylaws for the AIR Committee system**

Discussion was held on the Bylaws submitted for consideration. Mayor Heath motioned to table the adoption of the bylaws and defer them to another meeting. Councilman Ernest Hernandez seconded the motion. Chairman Millikin called for the vote. The motion passed. Questions arose on use of Roberts Rules of Order. It was agreed that the Roberts Rules of Order would be considered with several modifications made on time for speaking and other determinations. Forest Mims asked where his appointment membership fell under. Mr. Notzon explained that the cities of Seguin, Floresville, and New Braunfels as well as local elected officials would be in place. Ms. Gray asked if there would be a cap on the number of members in the AIR Advisory Committee, on how many health organizations would be included on the Advisory Committee. Chairman Millikin replied he suspected there would be and it would be determined by the Executive Committee. Commissioner Kight asked when the new designations would be announced. Mr. Notzon said that indications pointed to the summer and said that a statement should be included in the by-laws pointing to all counties that are designated. Peter Bella pointed to such a statement already in the by-laws.

Judge Quinney asked to make a statement on Mayor Heath. He commented on the Mayor's leadership and eloquence. He said Mayor Heath was his role model. Judge Quinney expressed his appreciation of the mayor's service to the committee and the region. Commissioner Millikin thanked the Judge for his comments in full agreement.

Chris Treutler with USAA announced his retirement and introduced his interim replacement, Kevin Fareri. Mr. Treutler said it was an honor and a pleasure serving on the committee since its days of being a blue ribbon committee. He expressed his conviction that without the leadership of Mayor Heath, Commissioner Millikin, and Al Notzon, Toyota would not have selected San Antonio as their new factory site. Because without their leadership in the Clean Air Plan and the Early Action Compact this city would have already been designated non-attainment and Toyota would have had to go elsewhere. He thanked everyone personally and encouraged them not to be deterred by the critics because they rarely make any contributions. Mr. Notzon stated that Mr. Treutler has been a plus for the region. He pointed to USAA's positive efforts in air quality.

Renee Green commented that the EPA had delayed the requirements of the governors to submit their recommendations to the middle of July. There is no indication of what the designation will be called. She said if there is a desire for the committee to make recommendations they needed to discuss the issue in April and submit in time to TCEQ for the Governor's consideration.

## **XI. Adjournment**

Before adjourning, Chairman Millikin praised Mayor Heath for his contribution to the committee and rose in celebration. All those around the table did so as well. With no further business to conduct Chairman Millikin adjourned the meeting.

### **Attachment: Citizen To Be Heard Comments**

The following are comments offered by Ms. Nancy Strack during the Citizens To Be Heard section of this meeting. Citizens speaking during the "Citizens To Be Heard" agenda item may request their words to be transcribed verbatim.

Al, Peter, Steven, Dorothy, thank you for being a class act. Renee, you recently said that you have to "answer only to Bexar county." I'm a citizen of Bexar County. If that means you answer to me, then you need to use these good people as your role models and immediately start showing respect to the citizens who attend these meetings and to your fellow committee members. This isn't a one-woman show. There's no excuse for rude behavior.

I wanted to ask questions so that I could pass on the answers to the citizens who have to work and can't make these meetings. Many of these people can't even afford shoes and clothing for their kids and certainly don't have \$27.50 to pay for emissions testing-but our questions don't usually get answered so I won't bother.

I wanted to pass on some information that would help you do the right thing for the people you represent. After all, that's why you're here. But then you would need to know what the citizens have been up against just trying to tell you what they want. We can't get our voices heard so I won't bother.

Monday, before I spoke to the technical committee, I wanted just a moment of silence to respect the men and women in uniform who need our prayers right now. It took less than ten seconds. Ms. Green counted it against my three minutes. It was a cheap shot but it spoke volumes about her respect for the rest of us. Those who say what she wants to hear get additional time to speak and they get to speak freely from the floor. We can't get even a few seconds to honor our heroes.

So, instead of the things I wanted to do, I'm doing what I have to do. Partly in defiance of Ms Green's disrespect but mostly to honor those who truly serve, the remainder of my time will be spent in silence to respect the men and women in our military—including my son and Cindy's stepson—and especially those who are so far away fighting for freedom and fighting for their lives! Think seriously about how your decisions will affect these young men and women when they return home, if they return home. Thirty-seven years ago, during another war era, I married a young enlisted man and I know that \$27.50 is a lot of money to them. I ask you to please think about them and all those who just don't have \$27.50 to spare when you vote on emissions testing. Do the right thing.