

Silence marking advisory group for East Side

Members sign deals barring public talk on revitalization efforts



County Judge Peter Sakai has been meeting with an advisory group about East Side plans.

BY BROOKE PARK

STAFF WRITER

Since January, an advisory group has been meeting monthly with Bexar County Judge Peter Sakai to discuss plans to revitalize the East Side — but its deliberations are shrouded in secrecy.

Its meeting notices and agendas aren't publicly available. You can't find them online or even tacked to a bulletin board at the Bexar County Courthouse. In fact, the group's meetings are by invitation only.

And members of the Eastside Economic Development Advisory Council have signed nondisclosure agreements that bar them from publicly discussing any information from their meetings that isn't already generally known.

Sakai and state Rep. Barbara Gervin-Hawkins formed the council and handpicked its 15 members to gather public input for how to uplift the area around the county-owned Frost Bank Center — which could lose its anchor tenant, the Spurs, if the team eventually moves to a new downtown arena.

Whose idea was it to put the advisory council under an NDA?

Sakai said he and Gervin-Hawkins, a Democrat who represents the East Side in the Texas House, “posed that question” to the council.

“This was the unanimous consent of the advisory council,” he said. Members wanted to “be protected with their privacy.”

“We have put great thought and effort to make sure that it is open and transparent, yet at the same time ensure the privacy and protection of the individual council members,” he added. “And that’s the balance that we’ve struck.”

Sakai chafes at the characterization of the council's closed-door meetings as secretive.

“I do not accept your term of secret,” he said. “These meetings are subject to open records. So if we are asked to produce anything, we will produce.”

Sakai was referring to the process of filing open records requests under the Texas Public Information Act.

William “Bill” Aleshire, an Austin attorney who specializes in open government laws, said the advisory group isn't violating the Texas Open Meetings Act because it's not a governmental body. Nevertheless, he said

that shielding its work from the public is a bad practice.

“Legal or not, just don’t do that, especially on something that is of high public interest,” said Aleshire, who as a legislative staffer in 1973 worked on a major revision of the Texas Open Meetings Act. “Whatever excuse they’re giving for these being kept in secret and not allowing the public to know who is saying what and when they say it — it may be legal, but there’s no good excuse.”

‘A seat at the table’

A leader of the grassroots community group COPS/Metro said Sakai so far isn’t making good on his pledge to openly discuss the development of an East Side plan.

“Judge Sakai has been pretty adamant that he intends to include the public, and to be much more transparent, but it’s yet to happen,” said the organization’s Sonia Rodriguez, who learned about the East Side council’s NDA from the San Antonio Express-News. “As much as Judge Sakai is talking about making sure the public is included, that we have a seat at the table, it’s not happening.”

COPS/Metro opposes spending local tax dollars on the city of San Antonio’s planned downtown sports and entertainment district, which would be anchored by a new Spurs arena at Hemisfair.

Rodriguez said she was surprised that Sakai is replicating what she sees as one of the biggest mistakes the city made when it required developers, design and engineering firms, and sports and hospitality consultants to sign NDAs in 2023 to be briefed on Project Marvel, the city’s code name for the district.

Matthew Polanco, Sakai’s chief of staff, signed one of the city’s nondisclosure agreements.

City staff first publicly briefed City Council on the multibillion-dollar project in late 2024.

“I’m appalled that anyone in this city thinks that NDAs are a good way of doing the people’s business — it’s not,” Rodriguez said. “That’s by definition excluding the people.”

Sakai said the Eastside Economic Development Advisory Council so far knows no more than what the five-member Commissioners Court has

disclosed at its public meetings as it weighs whether to call a venue tax election to raise revenue for a 20,000-seat downtown arena for the Spurs and other projects.

Advisory council members have learned why “there needs to be an election,” along with the potential uses of the venue tax revenue the county levies on hotel rooms and rental cars, Sakai said.

The council was also briefed on a \$197 million venue tax proposal for upgrades to the Freeman Coliseum grounds to generate year-round programming.

Sakai said the council also hasn’t made any recommendations for projects it would like to be funded through the venue tax, though Commissioners Court is taking steps to call a November tax election.

In early June, the court voted 4-1 to name a new Spurs arena and upgrades to the Frost Bank Center and the Freeman Coliseum grounds as the projects it might ask voters to pay for through the venue tax.

The county is seeking the Texas comptroller’s approval to raise the county hotel tax to the maximum of 2%, which — along with the 5% tax on rental cars — is projected to yield up to \$449 million over the next 30 years.

The court has until Aug. 18 to put the tax on the Nov. 4 ballot.

‘Appropriate time’

Sakai expects the advisory council to meet for up to three years and advise the county on how to boost the East Side’s economy. But when the public can expect a report on those recommendations is unknown.

“I will be open and transparent at the appropriate time,” Sakai said. “The council is yet to determine that and is yet to vote on it. Everything will be done by a vote of the council.”

The NDAs are valid for up to three years or when advisory council members’ “participation” is no longer needed, according to the agreement.

Gervin-Hawkins said she wanted the council to be a “safe space” where members could have open conversations. “The NDA is a way to do it,” she said.

Neither she nor Sakai has signed NDAs.

The county plans to hold a public meeting on East Side revitalization in

December, according to county documents. In January, the council expects to submit a summary of both public and private meetings about the plan to county leaders, the Coliseum Advisory Board and Gervin-Hawkins' legislative office, according to a timeline of the county's public outreach campaign.

When the council is ready to talk to the community, East Side residents will have "full, accurate information," Gervin-Hawkins said. The council won't host meetings that are like "drive-bys when you come lay out all your feelings, but you don't really know all the facts," she added.

"We're not trying to meet in the secret of darkness, and, you know, do something crazy," she said. "I just want to educate my community. I want to educate them in a way that they've never been educated before."

East Side residents have long criticized Bexar County leaders for failing to deliver economic growth that they believed would come to their community — which includes some of San Antonio's poorest neighborhoods — when the county asked voters in 1999 to approve a venue tax to pay for most of the Frost Bank Centers's construction costs. (The facility was called the SBC Center when it opened in 2002).

Two decades later, the area around the arena is dominated by dusty industrial lots and a handful of small retailers — far less than what many on the East Side expected.

Gervin-Hawkins said this time will be different.

"I don't want our community to be victims again, and it's different because we have the group," she said. "Projects just don't come together because people have ideas. Projects come together because people are working on making it happen."

Gervin-Hawkins said having advisory council members under an NDA is a way to prevent the potential spread of misinformation. Without such a restriction, she said, the public could mistake conversations about potential projects for done deals.

"We don't want to say, 'Well, we're going to put 10 pools, we're going to do this and that,' and it can't happen because then we're giving people smoke and mirrors and promises that can't be a reality," she said.

Rodriguez, of COPS/Metro, said the county appears to be treating the public like "toddlers."

If council members are afraid of public backlash from what they discuss in their meetings, they shouldn't sit on the council, she said.

"Shielding people, I think, is horrible," Rodriguez said. "If you're going to dedicate your time to taking a role in this process, then you need to expect that it's going to be messy."

An East Side plan?

Earlier this year, Sakai refused to call a venue tax election partly because there was no proposal in place yet to strengthen the East Side economy.

Late last year, Spurs Sports & Entertainment pushed the judge, and by extension Commissioners Court, to order a May venue tax election. But Sakai said in January that he couldn't call a spring election with so much missing information.

"If the Spurs are committed to moving downtown, all parties must work together to gather substantial public input, develop a sustainable future for the Frost Bank Center and coliseum grounds (and) establish a proposal for economic development on the East Side," Sakai told reporters at the time.

Yet a month later, Sakai began discussing the possibility of calling a tax election to pay for a portion of the arena and other projects — with the East Side council just beginning its work and no fleshed-out plan in place for the coliseum grounds.

He won county commissioners' approval to sign a memorandum of understanding with the city and Spurs Sports & Entertainment to get "on the same page to explore the prospect of a potential vote by the citizens of Bexar County."

The cost of the arena remains unknown, though it's believed to be about \$1.5 billion. The city and Spurs have yet to publicly disclose their financial contributions — those details are expected later this month.

The judge said he doesn't know whether the county will release an East Side plan before Commissioners Court potentially calls a venue tax election by its Aug. 18 deadline.

"That is a work in progress," Sakai said. "All we're doing is we're trying to make sure that this advisory council has all the information that is available to the public at this time."

Precinct 4 Commissioner Tommy Calvert, who has attended advisory council

meetings, has criticized county and city staff for not seriously discussing an East Side plan. Calvert has represented the East Side since 2015.

“The lack of conversation at a staff level on how do we help the East Side develop — it almost makes you go cross-eyed,” Calvert said at a June 10 Commissioners Court meeting. “It’s hard to understand why the city staff and the county staff cannot get together to work on a month-by-month plan where staff is held accountable to following an economic development plan.”

Calvert declined an interview request for this story.