

# GOVERNANCE COUNCIL COMMITTEE MEETING MINUTES

NOVEMBER 1, 2017 at 12:00 PM  
CITY HALL, MEDIA BRIEFING ROOM

Committee Present:	Mayor Ron Nirenberg, <i>Chair</i> Councilmember Roberto Treviño, <i>District 1</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Rey Saldaña, <i>District 4</i> Councilmember Ana Sandoval, <i>District 7</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Andy Segovia, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Ben Gorzell, Jr., <i>Chief Financial Officer</i> ; Troy Elliott, <i>Deputy Chief Financial Officer &amp; Director of Finance</i> ; Jeff Coyle, <i>Director of Government &amp; Public Affairs</i> ; Michael Shannon, <i>Director of Development Services</i> ; Carlos Contreras, <i>Assistant City Manager</i> ; Rod Sanchez, <i>Assistant City Manager</i> ; Fred Garcia, <i>Municipal Court Clerk</i> ; Camila Kunau, <i>Assistant City Attorney</i> ; Edward Guzman, <i>Assistant City Attorney</i> ; Liz Provencio, <i>Assistant City Attorney</i> ; Russell Huff, <i>Assistant Director of Finance</i> ; Melissa Ramirez, <i>Assistant Director of Development Services</i> ; Leticia Saenz, <i>Deputy City Clerk</i> ; Tina Flores, <i>Compliance Auditor</i> ; Lina Rodriguez, <i>Executive Assistant to the City Clerk</i> ; John Peterek, <i>Assistant to the City Manager</i> ; Patrick Steck, <i>Special Projects Manager</i> ; Trey Jacobson, <i>Mayoral Staff</i> ; Juany Torres, <i>Mayoral Staff</i> ; Marisa Bono, <i>Mayoral Staff</i> ; Jay Podjenski, <i>District 1 Staff</i> ; Christine Q. McCain, <i>District 1 Staff</i> ; Dan DeBauche, <i>District 3 Staff</i> ; Tim Salas, <i>District 4 Staff</i> ; Mario Hune, <i>District 6 Staff</i> ; Greg Jefferson, <i>District 7 Staff</i> ; Derek Roberts, <i>District 9 Staff</i> ; Cecily Hope Pretty, <i>Office of the City Clerk</i>
Others Present:	Councilmember Greg Brockhouse, <i>District 6</i> ; Councilmember John Courage, <i>District 9</i> ; Rudy Morales, <i>San Antonio Professional Firefighters Association</i> ; Javier Patlan, <i>San Antonio Professional Firefighters Association</i> ; Cecilia Picazo, <i>SAWS</i> ; Byron Gipson, <i>SAWS</i> ; Rebecca O'Connor, <i>San Antonio Board of Realtors</i> ; Martin Gutierrez, <i>San Antonio Chamber of Commerce</i> ; Hector Morales, <i>San Antonio Apartment Association</i> ; Andres Peña, <i>Kaufman &amp; Killen</i> ; Baltazar Serna, <i>Serna &amp; Serna</i> ; Josh Baugh, <i>Express News</i> ; Joey Palacios, <i>Texas Public Radio</i> ; Casey Whittington, <i>Citizen</i>

## CALL TO ORDER

Mayor Nirenberg called the meeting to order.

**1. Approval of Minutes for City Council Governance Committee Meeting of October 18, 2017.**

Councilmember Saldaña asked that Item 3 of the Draft Minutes be revised to reflect his openness to collaboration between the Charter Review Commission, Ethics Review Board, and Common Cause. He moved to approve the Minutes of the City Council Governance Committee Meeting of October 18, 2017 with the correction. Councilmember Viagran seconded the motion. The motion carried unanimously.

**2. A review to restructure the Municipal Court Advisory Commission. [Andrew Segovia, City Attorney]**

City Attorney Andy Segovia provided an overview of the history of the Municipal Court Advisory Commission and its current structure. He stated that Commission activity had fluctuated since its implementation in May 2007 and the recommended restructure would encourage more consistent guidance to the City Council. He outlined the proposed composition:

- Two Non-Municipal Court Judges
- One lawyer with experience practicing before the Municipal Court
- Three Councilmembers
- The Mayor (as ex-officio voting member)

City Attorney Segovia stated that the next Municipal Judge nomination and appointment period would be in Spring 2018 and that reconstitution was recommended before that time.

Councilmember Saldaña noted the high level of citizen interaction with the Municipal Court and the resulting importance of proper supervision. He asked of the employment structure of the Municipal Court. City Manager Sheryl Sculley replied that the Municipal Judges were appointed by the City Council, the employees were hired by the City of San Antonio, and a Municipal Court Clerk oversaw City Staff. Councilmember Saldaña emphasized the importance of receiving feedback from outside committees and constituents to ensure Municipal Court accountability.

Councilmember Viagran asked if the Municipal Court Advisory Commission was responsible only for oversight of the judges. City Attorney Segovia replied that it was but that it could also be a forum to address questions regarding policy and operations for recommendation to the City Council. Councilmember Viagran emphasized the importance of maintaining communication and outlining a clear process for advising and recommendation with the Public Safety Committee. She also asked of the inclusion of a member from the Audit and Accountability City Council Committee on the Commission. City Attorney Segovia advised against such an inclusion due to the potential conflicts in cases of internal Municipal Court Audits.

Mayor Nirenberg asked that the recommendation to the full City Council include a process for Municipal Court policy recommendations to go from the Municipal Court Advisory Commission to the Public Safety Committee before being forwarded to the full City Council.

Councilmember Sandoval asked why the Presiding Judge was no longer recommended as part of the Commission. City Attorney Segovia replied that it was due to the Presiding Judge already directly reporting to the City Council.

Councilmember Saldaña moved to forward staff recommendations to the full City Council. Councilmember Treviño seconded the motion. The motion carried unanimously.

**3. A Council Consideration Request from Councilman Greg Brockhouse, District 6, regarding a review of the City's Open Records Requests process and recommendation for improvements. [Carlos Contreras, Assistant City Manager; Jeff Coyle, Director, Government and Public Affairs]**

Jeff Coyle stated that the City of San Antonio received between 500 and 1,000 Open Records Requests (ORRs) daily with centralized responsibility in his department. He provided an overview of State requirements for ORRs and highlighted mandated deadlines as well as the process for clarifications from the Attorney General. He stated that between 2012 and 2017, the number of ORRs increased from 7,000 to 45,000 and the time to fulfill requests had decreased from 24 days to 8 days. He noted that the department was in the process of purchasing eDiscovery Software to allow keyword searches across the City's email network and shared drives and would increase staff ability to identify and provide relevant documents. He stated that the initial cost for the software was \$288,000 due to initial licensing requirements but would drop to \$47,000 yearly and would be funded through savings from the Fiscal Year 2017 Technology Platform Budget. He added that the current WebQA provider would implement a function for requestors to specify keywords in their requests and it would be available within two weeks.

Councilmember Brockhouse expressed his satisfaction with Mr. Coyle and his team's responses to improve the ORR process and enhance transparency.

Councilmember Sandoval asked of the fees charged to citizens. Mr. Coyle replied that in cases where fees were assessed, the majority were attributed to labor costs for time-consuming projects rather than for physical materials. He added that the new software would reduce labor time.

Councilmember Saldaña asked of other communities with innovative processes. Mr. Coyle replied that there were already other large cities in Texas utilizing eDiscovery who had expressed satisfaction with the software.

Mayor Nirenberg noted improvements in processes to increase public trust in recent years and his support for technological investments to inspire public confidence.

Councilmember Viagran moved to accept the staff recommendation to pursue the eDiscovery contract. Councilmember Sandoval seconded the motion. The motion carried unanimously.

**4. A Council Consideration Request from Councilman John Courage, District 9, regarding residency verification requirements for candidates for municipal election. [Leticia M. Vacek, City Clerk]**

City Clerk Leticia Vacek reviewed current residency requirements to file as a candidate for City Elections and stated that Texas Law restricted the Municipal Clerk from denying an application based on any criteria other than incompleteness. She noted that she had worked with Councilmember Courage and City Attorney Segovia to draft a code addition requiring two supplemental documents showing their current residency at the time of filing selected from the following:

- Valid voter registration certificate
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck
- Copy of or original government document with name and an address (original required if it contains a photograph)

Councilmember Courage thanked the City Clerk for her presentation and stated that the addition of the proposed requirements would provide more information for constituents and allow simpler identification of discrepancies.

Councilmember Saldaña asked if the current requirements were set by the City Charter or by Texas State Law. City Clerk Vacek replied that it was a combination of both. City Attorney Segovia added that in cases where requirements existed in both, State Law would supersede the City Charter. Councilmember Saldaña expressed concern that there were no mechanisms available to the City Clerk to enforce residency requirements. City Attorney Segovia recommended that the City's Legislative Agenda be updated to include changes to State Law allowing local enforcement relating to residency.

Councilmember Viagran asked if the issue had been considered by the Charter Review Commission. City Attorney Segovia stated that the requirement for supplemental documents was also a recommendation of the Charter Review Commission.

Councilmember Sandoval asked of the design of the application to file for candidacy. City Clerk Vacek replied that the application was a prescribed form provided by the Secretary of State. She added that during her tenure, she had rejected two applications based on the applicants' residency in cities other than San Antonio.

Councilmember Courage stated that the recommendations were limited to what was allowed by the State and City Charter and believed the additional requirements would be a beneficial deterrent to fraudulent filings. City Clerk Vacek added that the application has always included a sworn oath by the applicant that all information provided was true and correct.

Councilmember Treviño moved to forward the staff recommendation to the full City Council for consideration. Councilmember Saldaña seconded the motion. The motion carried unanimously.

Item 7 was addressed at this time.

**7. A Council Consideration Request by Councilwoman Gonzales, Council District 5, regarding a Memorial Designation of one block of Brady Boulevard to Victoria Robles Way. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services Department]**

Assistant City Manager Rod Sanchez noted that the request was for Memorial Designation rather than an official name change so property addresses would not be affected. He noted that two signs would be placed on the City Block across six properties for a total of \$1,400 funded by the District 5 Neighborhood Assistance Program.

Councilmember Viagran moved to forward the staff recommendation to the Planning Commission. Councilmember Treviño seconded the motion. The motion carried unanimously.

Item 5 was addressed at this time.

**5. A Council Consideration Request from Councilman Greg Brockhouse, District 6, regarding City Council review of executive compensation at municipally-owned utilities. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]**

Chief Financial Officer Ben Gorzell stated that the CCR addressed the city-owned utilities CPS Energy and San Antonio Water System (SAWS) and provided an overview of their management structures. He noted that the Mayor of San Antonio served as a voting ex-officio member on both Boards of Trustees. He stated that the City Council was authorized to set rates, issue bonds, condemn property for utility use, and appoint members to the Board of Trustees. He recommended that a process be developed for City Councilmembers to provide the Mayor with their input regarding compensation while respecting the restrictions in place from bond indentures and the confidential nature of compensation discussions. He stated that City Councilmembers should share their compensation philosophies with appointees during the selection process for boards.

Councilmember Brockhouse referenced a memorandum from the Mayor released earlier that day regarding concerns over executive performance, compensation, and bonuses and expressed support. He emphasized that his request was not for implementation of metrics or scoring but rather a formal process for Councilmembers to remain informed regarding public utilities decisions and provide their feedback directly to the Mayor.

City Attorney Segovia stated that there would be no recommendation to change the governance structure but rather to include City Council briefings and communication processes.

Mayor Nirenberg stated that he had sent letters to the Councilmembers asking for recommendations on performance standards and rates and would make his decisions based on the best interests of the city.

No action was required for Item 5.

**6. A Council Consideration Request from Councilman Robert Treviño, District 1, regarding a review and possible updates to existing “MF-33” and “RM-4” zoning designations. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services Department]**

Assistant City Manager Rod Sanchez explained that the properties in question were both in historically single family neighborhoods but zoned for multifamily dwellings, which led to incompatibilities with incoming multifamily housing developers. He recommended the establishment of a task force to review zoning standards to increase compatibility in these instances.

Councilmember Treviño emphasized the urgency of his request due to the continuous expansion of the city. He moved to forward the staff recommendation to the Comprehensive Plan Committee. Councilmember Viagran seconded the motion. The motion carried unanimously.

## Consideration for Future Meetings

Mayor Nirenberg announced that the next Governance City Council Committee Meeting was scheduled for December 20, 2017.

## ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 1:22 pm.

ATTEST:



Leticia M. Vacek, TRMC/CMS/MMC  
City Clerk



Ron Nirenberg, Mayor