

**State of Texas
County of Bexar
City of San Antonio**



**Meeting Minutes
City Council B Session**

No in-person access to this meeting

Wednesday, January 20, 2021

2:00 PM

Videoconference

ROLL CALL

The City Council convened in a Regular Meeting. City Clerk Tina J. Flores took the Roll Call noting a quorum with the following Councilmembers present:

PRESENT: 11 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry

Once a quorum was established, the City Council shall consider the following:

1. Briefing on the bargaining process and the City's priorities for the upcoming Collective Bargaining Agreement negotiations between the City of San Antonio and the San Antonio Police Officers Association. [María Villagómez, Deputy City Manager; Elizabeth Provencio, First Assistant City Attorney]

Deputy City Manager Maria Villagomez reported that the employment of Police Officers was governed by Texas Local Government Code Chapter 143, Texas Local Government Code Chapter 174, and the Collective Bargaining Agreement (CBA). She stated that Chapter 143 was adopted by San Antonio voters in 1947 and provided Civil Service protection to Police Officers, set requirements for hiring and promotion, terms of employment, discipline, and termination. She added that Chapter 143 may be repealed by election upon petition.

Ms. Villagomez stated that Chapter 174 was adopted by San Antonio voters in 1974 and enabled Police Officers to collectively bargain, and may be repealed by election upon petition. She indicated that the City had collectively bargained with the San Antonio Police Officers Association (SAPOA) since 1975. She noted that the primary purpose of the CBA was the efficient, uninterrupted performance of the municipal police function in San Antonio. She reported that the CBA established fair and reasonable compensation and working conditions for Police Officers. She stated that the City may alter the terms of Chapter 143 by agreement. She added that if the parties could not come to an agreement, negotiations may be subject to mediation, evergreen status, or fact finding.

Ms. Villagomez reported that the value of the CBA was \$387 million and the current CBA was achieved through a mediated settlement agreement in June 2016, and was approved by the City Council in September 2016. She indicated that the CBA was a five-year agreement whose term was from October 1, 2016 through September 30, 2021. She noted that negotiations for the next CBA were required to begin prior to the end of January 2021. She added that SAPOA and the City agreed to begin negotiations in mid-February 2021 due to the transition of a new president of SAPOA.

Ms. Villagomez stated that the CBA negotiation process would begin with the City and SAPOA agreeing to meeting dates, time, and location. She noted that meetings would be posted and open to the public and the parties would agree to ground rules before negotiations began. She indicated that the first meeting would trigger 60-day negotiation under the CBA Statute that could be extended for 15 days. She explained that each party would select their negotiating teams and proposals would be exchanged and discussed. She added that the parties would bargain by exploring potential compromises to their stated proposals or positions and the parties may choose to caucus at any time for as long as required.

Ms. Villagomez reported that following negotiations, a tentative agreement could be reached by the parties and in the event of an impasse, the parties could call for mediation, evergreen status, or fact finding. She stated that the fact finding process was detailed in an Ordinance and required a panel of three individuals to ascertain the facts and make recommendations to both parties. She noted that if the parties failed to agree to a contract, the unresolved issues could be submitted to a referendum by each of the two parties and if there was an election, the results would be binding to both parties. She stated that once an agreement was reached through negotiations or mediation, SAPOA must have the contract ratified by at least 50% of its membership and the City Council would approve the contract.

Ms. Villagomez stated that the City Manager identified three categories of priority terms: 1) Discipline and transparency; 2) Operational improvements; and 3) Fiscal responsibility. She noted that the collective bargaining priorities associated with discipline and transparency were consistent with the legislative priorities of the City and reflected the input received from the community and included:

- Impose discipline from 180 days from the date the Chief of Police knew or should have known of the incident
- Consider all past conduct for disciplinary actions
- Modify timeliness in disciplinary process
- Maintain appeal process for finding of fact with the Chief of Police having the final decision on discipline
- Annual Officer performance evaluation

Ms. Villagomez reported that the priorities associated with operational improvements included:

- City should determine hours of training.
- City should determine working hours of units within the department.
- City shall determine leave policies for all employees.
- City should have authority to civilianize any assignment that does not require arrest powers.

Ms. Villagomez indicated that the priorities associated with fiscal responsibility included:

- Contract changes should be in line with the City's financial policies and current economic conditions.
- Public safety spending should remain at less than 66% of the General Fund.

Ms. Villagomez stated that she would be the lead negotiator for the City and First Assistant City Attorney Liz Provencio would serve as the Attorney for the City in negotiations.

Mayor Nirenberg stated that he agreed with the priorities listed regarding discipline and transparency. He indicated that the primary objectives in the negotiation should be to allow the Chief of Police to consider an Officer's past behavior in disciplinary issues and to allow the City Manager or the Chief of Police to have the final decision on whether to bring Officers back who were terminated and brought back through arbitration. He noted that the financial parameters of the Budget should reflect a public safety Budget in line with City revenues.

Councilmember Andrews-Sullivan asked of transparency during the negotiation process. Ms. Villagomez stated that staff was working on the logistics and would ensure that the public was aware of the meetings and if the meetings were held in person, staff would follow COVID-19 safety protocols to ensure the safety of the negotiation teams and the public. She added that if the meetings were held virtually, they would be made available to the public.

Councilmember Treviño acknowledged the community for putting forth their petition signatures. He asked if the City could advocate for an independent citizen review board in the upcoming negotiations. First Assistant City Attorney Liz Provencio stated that since June 2020, staff worked to ensure that the community had a sense of what the Citizens Advisory Action Board did. She indicated that for the purposes of the upcoming bargaining cycle, the City's intent was to focus on the arbitration process because no matter how oversight or input from citizens was structured, a third-party Arbitrator had the ability to overturn the final decision.

Councilmember Viagran asked if 64% of the current General Fund Budget was for the Police Department. Ms. Villagomez stated that the 64% was comprised of the Police Department Budget, the Fire Department Budget, and the Park Police Budget. Councilmember Viagran asked for the amount of those Budgets. Ms. Villagomez replied that 64% of the General Fund Budget was \$887 million. Councilmember Viagran spoke of shifting some responsibilities of the Police Department to entities outside of the Police Department.

Councilmember Courage asked if any of the priorities of the City would diminish the safety, the wealth, the health, and financial security of Police Officers or their families. Ms. Villagomez replied that they would not.

Councilmember Cabello Havrda asked if the City would take a position on the 48-hour window Officers had to review evidence. Police Chief William McManus stated that Officers did not have 48 hours to review evidence or testimony. He noted that they had 48 hours to appear at Internal Affairs.

Councilmember Pelaez asked if State Law required the City to negotiate a CBA with the Police and Fire Unions. City Attorney Andy Segovia stated that under the current CBA, the City was called to negotiate a follow on agreement and as long as Chapter 174 was in place, and the City had an obligation to negotiate in good faith.

Councilmember Sandoval asked how hiring those with a degree in social work could be included in the hiring process in the CBA. Ms. Villagomez stated that State Law dictated the minimum requirements for a Police Cadet. She indicated that if the City wanted to add preference points for a degree in social work, that could be included in the negotiation process to augment the State minimum requirements.

Councilmember Rocha Garcia requested the percentage of the Budget allocated for the Police Department in other Texas cities. Ms. Villagomez stated that she would provide that information to the City Council.

Councilmember Perry expressed his support for the police. He asked of the number of sworn Police Officers in the Police Department. Chief McManus stated that there were approximately 2,500 sworn Police Officers in the Police Department.

Councilmember Gonzales asked if staffing numbers were determined by the City Council or by the CBA. Chief McManus stated that staffing numbers would be determined by the City Council through the Budget process.

Councilmember Pelaez stated that in addition to accountability, pay, benefits, and safety in the workplace were important parts of the CBA.

2. Post-Solicitation Briefing on the Resident Connection Platform. [Ben Gorzell, Chief Financial Officer; Laura Mayes, Assistant Director, Government and Public Affairs]

Laura Mayes stated that the vision for the project was a resident centric approach to engagement with the City of San Antonio. She reported that the SASpeakUp Campaign began in 2015 as a Budget survey and after several successful campaigns it became the source for all public engagement for the City. She stated that Councilmember Sandoval submitted a public participation Council Consideration Request (CCR) in February 2018 and in July 2018, the City implemented Public Participation Minimum Standards. She stated that the City Manager issued the Public Participation Administrative Directive in February 2019 and the City Council adopted guiding principles of public participation in December 2019. She added that virtual public comment began in June 2020.

Ms. Mayes reported that the Resident Connection Platform (RCP) contained the following core components:

- Constituent management
- Boards and Commissions
- Agenda management

- Survey management
- Calendar management

Ms. Mayes provided an example of how the core components would communicate with each other.

Craig Hopkins reported that the RCP treated members of the public as customers and would enable the City to manage community data and information holistically. He stated that it would create resident-centric experiences to community engagement leveraging technology solutions and would provide a holistic and a deeper understanding of residents who wanted to engage. He noted that the RCP provided for better targeting of information to residents based on their interests, operational continuity across all departments and City Council offices, and streamlined and standardized processes. He added that implementation considerations included: 1) Privacy and security; 2) Ability to use the platform to bridge the digital divide; and 3) Integration with other City systems (such as 3-1-1).

Ms. Mayes indicated that the contract value was approximately \$1.82 million and the proposed term was three years with two, one-year options. She noted that platforms utilized by City departments would be consolidated into one platform. She reviewed the evaluation criteria, additional requirements, and the membership of the Evaluation Committee.

Mr. Hopkins provided the initial score matrix for each proposal and the final score matrix for four of the proposals. He stated that a new digital integrated platform from Prime Government Solutions was selected. He reported that 474 vendors were notified of the solicitation and nine vendors responded and attended the pre-submittal conference. He indicated that the results of the minimum requirements review deemed one vendor non-responsive for failure to submit a completed price schedule which was a requirement of the solicitation. He added that the due diligence review resulted in no material findings.

Mr. Hopkins reported that the solicitation was released on June 29, 2020 and the due date was September 4, 2020. He stated that staff were finalizing the negotiation of the contract and the contract would be brought before the City Council on February 4, 2021 for consideration. He provided the following implementation timeline:

- Constituent management platform – April 2021
- Agenda and meeting management – July 2021
- Boards and Commissions, calendar, and survey management – August-September 2021

Councilmember Sandoval asked if the Constituent Management Service (CMS) would be utilized by City departments. Ms. Mayes replied that it would.

Councilmember Pelaez stated that the RCP was an essential tool for Councilmembers and the City to perform their jobs.

Councilmember Treviño expressed support for implementation of the RCP.

Councilmember Andrews-Sullivan asked if members of the community would be able to upload a video comment and/or photographs that would be specific to a certain department. Mr. Hopkins replied that they would.

Councilmember Rocha Garcia asked for more information on privacy and security. Mr. Hopkins stated that constituents would only provide the information that they wanted to and would provide contact information and access would be tiered.

EXECUTIVE SESSION

- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Legal issues relating to COVID-19 preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F. Discuss legal options pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- G. Deliberate the security assessments or deployments relating to information resources technology, network security information or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices and related legal issues pursuant to Texas Government Code Section 551.089 (security devices and audits) and Section 551.071 (consultation with attorney).

Mayor Nirenberg announced that the Executive Session would be carried over to January 21, 2021.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg recessed the meeting at 4:44 pm.

APPROVED

RON NIRENBERG
Mayor

Attest:

TINA J. FLORES
City Clerk

DRAFT