

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



**Meeting Minutes
City Council A Session**

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, June 25, 2020

9:00 AM

Municipal Plaza Building

ROLL CALL

The City Council convened in a Regular Meeting. Acting 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

Mayor Nirenberg led the meeting in a moment of silence as the bells of the San Fernando Cathedral rang for those who were struggling around the world through the COVID-19 pandemic. He recognized the frontline workers, first responders, and healthcare professionals that were working hard to maintain the health and safety of our loved ones.

1. The Invocation was delivered by Pastor Lonnie Coleman, God's Way Christian Fellowship, guest of Mayor Nirenberg.
2. Mayor Nirenberg led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes from the City Council Meetings of April 28, 2020.

Councilmember Perry moved to approve the Minutes of April 28, 2020. Councilmember Courage seconded the motion. The motion prevailed by the following vote:

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

CONSENT AGENDA ITEMS

Mayor Nirenberg announced that no items were pulled from the Consent Agenda for Individual consideration.

Mayor Nirenberg called upon the individuals registered to speak.

Kimberly Bragman spoke in support of the proposed Notice of Tenants' Rights Ordinance to ensure families were provided direct information about essential resources when faced with a Notice to Vacate for nonpayment of rent. She added that the City of San Antonio had positioned itself as the leader across the Country regarding affordable housing.

Marty Hutchison noted that she was a property owner in San Antonio and she supported the progressive legislation of Tenants' Rights and Resources. She added that tenants needed to be informed of their rights after they received a Notice to Vacate due to nonpayment of rent. She stated that she was going to start a new process of providing Tenants' Rights and Resources when new tenants sign their lease. She added that it was important to her to establish a good tenant relationship up front by providing them information regarding their renter's rights.

Antonio Diaz requested that the Columbus Statute be removed. He noted that the Christopher Columbus Society agreed with the removal of the statute, but that it was taking too long to be removed. He added that removing the statute should be priority and the longer it remained in place created a public safety concern.

Pharaoh Clark stated that he was concerned with the progress that had been made and that additional public input was needed. He noted that he would continue to organize because he had no choice. He added that the budget process needed to be an open transparent process. He stated that healthcare, education, and housing were underfunded.

Antonio Diaz invited the public to gather at the Columbus Statute and peacefully protest until the statute was removed. He added that the gathering would be a celebration for the removal of the statute.

Courtney Rosen stated that she was a property owner and spoke in support of Tenants' Rights. She noted that once a tenant had not paid rent, she took the opportunity to notify them of their rights through education, not eviction. She added that her tenants were appreciative of the support she provided to educate tenants of their rights.

Jack M. Finger spoke about Item 13 that required a landlord or property manager to provide an information sheet to the tenant when a notice to vacate for nonpayment of rent was delivered. He noted that was an unfair burden to place on landlords and spoke in opposition of the notice. Mr. Finger spoke in opposition of Item 8 regarding the appointment to the Affirmative Action Advisory Committee.

Councilmember Treviño welcomed Amanda Stephens to the Affirmative Action Advisory Board and thanked her for accepting the role to serve on the Advisory Committee. He spoke in support of Item 13

requiring landlords or property owners to provide an information sheet to a tenant when a Notice to Vacate for non-payment of rent was delivered. He noted that COVID-19 had a profound impact on renters. He added that many cities and states around the country had developed initiatives similar to the Notice of Tenant's Rights in response to renters' needs. Councilmember Treviño stated that leaders must work diligently to ensure all residents had access to a satisfactory quality of life.

Councilmember Treviño thanked Lori Houston, Assistant City Manager, and the Neighborhood & Housing Services Department. He noted that there was not a silver bullet for affordable housing and eviction issues. He added that the community elected leaders and hired administrators to create patchwork of diverse policies and programs to help the most underserved renters and families as they navigated through a new normal during COVID-19. He stated that renters made up nearly half of the City's population, were statistically lower wage earners, and spent a greater proportion of their income on housing. He added that renters had more barriers to civic engagement and were uniquely affected by issues such as transportation, education, public safety, and housing. He advocated for the creation of a Renters' Commission to provide direct feedback on policies which impacted their quality of life.

Councilmember Andrews-Sullivan spoke in support of Item 13 that would require landlords or property owners to provide an information sheet to a tenant when a Notice to Vacate for non-payment of rent was delivered. She added that the proposed Ordinance would truly help all residents in the City of San Antonio, and not just a select few. Councilmember Andrews-Sullivan announced that City Council District 2 Office would remain open during the month of July and that she was here to do the work for District 2 and for the City of San Antonio. She stated that Black Lives Matter and that her voice would not be silenced, and Black Lives would not be silenced.

Councilmember Viagran recognized Milo Nitschke for volunteering to serve on the Brooks City Base Board of Directors. She requested an update on the removal of the Columbus Statute. City Attorney Andy Segovia stated that City Manager Walsh would provide an update to City Council, but that the removal of the Christopher Columbus Statute was not posted on today's Agenda for discussion and would be discussed at the Governance Committee meeting next week.

Councilmember Courage highlighted Item 13 requiring a landlord or property manager to provide an information sheet to a tenant when a Notice to Vacate for Non-Payment of rent was delivered. He added that this was a very valuable tool for property owners and renters. He suggested that tenants be provided the Notice when they moved into their rental unit to offer advance information before tenants become overwhelmed with a looming eviction process.

Councilmember Sandoval highlighted Item 16 regarding the debt refinancing. She highlighted Item 13 and thanked Councilmember Treviño for the time and effort he spent meeting with different groups and finding a solution that worked for all. She added that when outreach was conducted to inform the public that smaller landlords were included to ensure we strengthen the landlord tenant relationship.

Councilmember Courage moved to approve the remaining Consent Agenda Items. Councilmember Sandoval seconded the motion. The motion prevailed by the following vote:

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

2020-06-25-0447

6. Ordinance approving the acceptance of The Aspen Institute Scaling Pathways for Opportunity Youth Planning Grant in the amount of \$20,000.00 for the period June 1, 2020 through December 31, 2020 and authorizing a budget. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

2020-06-25-0448

7. Ordinance ratifying the submission of a grant application, and acceptance of funds, for up to \$275,000.00 from the Office of the Governor, Public Safety Office, Criminal Justice Division for the TK20-FY20 DNA Testing Grant Program. [María Villagómez, Deputy City Manager; William P. McManus, Chief, Police]
8. Approving the following Board, Commission and Committee appointments for the remainder of unexpired terms to expire May 31, 2021 or for the terms shown below. [Tina Flores, Acting City Clerk]
- A) Appointing Amanda Stephens (District 1) to the Affirmative Action Advisory Committee.
 - B) Appointing Milo Nitschke (District 3) to the Tax Increment Reinvestment Zone 16 – Brooks City Base Board of Directors.
 - C) Reappointing Teal Hausman and appointing Shane Davis and Michael Ingersoll (District 5) to the Tax Increment Reinvestment Zone 12 – Plaza Fortuna Board of Directors.
 - D) Reappointing Lance Elliot, Lazar Hausman, and Teal Hausman and appointing Shane Davis (District 4) to the Tax Increment Reinvestment Zone 19 – Hallie Heights Board of Directors.
 - E) Reappointing Lance Elliot, Lazar Hausman, and Teal Hausman and appointing Shane Davis (District 4) to the Tax Increment Reinvestment Zone 21 – Heather’s Cove Board of Directors.
 - F) Reappointment Lazar Hausman and Teal Hausman and appointing Shane Davis and Lance Elliot (District 4) to the Tax Increment Reinvestment Zone 25 – Hunter’s Pond Board of Directors.

2020-06-25-0449

9. Ordinance amending certain terms of the authorization for the issuance of \$47,000,000 “City of San Antonio, Texas Variable Rate Certificates of Obligation, Taxable Series 2016” and other matters. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

2020-06-25-0450

10. Ordinance approving an amendment to the Revolving Installment Delivery Note Purchase Agreement with Bank of America, N.A. relating to the original issuance of City of San Antonio, Texas Tax Notes, Taxable Series 2017, in a principal amount up to \$100,000,000 for interim financing for the airport capital improvement program. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

2020-06-25-0451

11. Ordinance approving a Contract for Collection of the San Antonio Downtown Public Improvement District Assessments with Bexar County for a term of one (1) year commencing July 1, 2020, and expiring on June 30, 2021 with automatic annual renewal terms. Funding for this contract is included and available in the Adopted FY 2020 General Fund Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

2020-06-25-0452

12. Ordinance terminating the Project Winter Assistance Relief Mobilization (WARM) program and authorizing the transfer of the WARM account corpus and interest from CPS Energy to the Residential Energy Assistance Partnership, Inc. (REAP) program for efficient administration of a single utility assistance program under Project REAP; authorizing agreements necessary to effectuate the transfer and termination with CPS Energy and REAP, including an extension of the current agreement with REAP to December 31, 2023, and two automatic annual renewals to December 31, 2025. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

2020-06-25-0453

13. Ordinance requiring a landlord or property manager to provide an information sheet to a tenant when a Notice to Vacate for Non-Payment of rent is delivered. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services]
14. Approving the following two items relating to the financial matters of the City of San Antonio, Texas: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2020-06-25-0454

- 14A. Ordinance authorizing and approving the same terms and conditions for the second renewal term for the Financial Underwriting Pool from which Financial Underwriter Syndicates will be selected and approved by City Council for various financings for the period commencing October 1, 2020 and ending September 30, 2021.

2020-06-25-0455

- 14B. Ordinance approving a Financial Underwriter Syndicate selected from the Financial Underwriting Pool for financing of General Improvement and Refunding Bonds (Tax Exempt); General Improvement Refunding Bonds (Taxable); Combination Tax and Revenue Certificates of Obligation Tax Exempt and Taxable; and Tax Notes to be issued in August 2020.
15. Approving the following two items relating to financial matters of the San Antonio Water System: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

2020-06-25-0032R

- 15A. Resolution, for the San Antonio Water System, authorizing redemption prior to stated maturity of certain currently outstanding debt obligations in an amount not to exceed \$45,600,000 par, to reduce future debt service.

2020-06-25-0456

- 15B.** Ordinance, for the San Antonio Water System, authorizing the issuance of obligations designated as City of San Antonio, Texas Water System Junior Lien Revenue Bonds, Series 2020C (No Reserve Fund) in amount not to exceed \$225,755,000 to fund a portion of the SAWS Capital Improvements Plan (CIP).
- 16.** Approving the following six items relating to the general obligation debt matters of the City of San Antonio, Texas: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2020-06-25-0457

- 16A.** Ordinance authorizing the issuance of the City of San Antonio, Texas General Improvement and Refunding Bonds, Series 2020, in an aggregate principal amount not to exceed \$206,000,000, and authorizing other matters incident and related thereto.

2020-06-25-0458

- 16B.** Ordinance authorizing the issuance of the City of San Antonio, Texas General Improvement Refunding Bonds, Taxable Series 2020, in an aggregate principal amount not to exceed \$596,000,000, and authorizing other matters incident and related thereto.

2020-06-25-0459

- 16C.** Ordinance authorizing the issuance of the City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020, in an aggregate principal amount not to exceed \$50,000,000, and authorizing other matters incident and related thereto.

2020-06-25-0460

- 16D.** Ordinance authorizing the issuance of the City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Taxable Series 2020, in an aggregate principal amount not to exceed \$16,000,000, and authorizing other matters incident and related thereto.

2020-06-25-0461

- 16E.** Ordinance authorizing the issuance of the City of San Antonio, Texas Tax Notes, Series 2020, in an aggregate principal amount not to exceed \$49,000,000, and authorizing other matters incident and related thereto.

2020-06-25-0033R

- 16F.** Resolution by the City Council of the City of San Antonio, Texas establishing the City's intent to reimburse itself for the prior lawful expenditure of funds from the proceeds of one or more series of tax exempt or taxable obligations to be issued by the City for authorized purposes and as further designated by series and federal tax treatment; authorizing other matters incident and related thereto; and providing for an effective date.
- 17.** Approving the following two items in connection with Higher Education Revenue Refunding and Improvement Bonds for Trinity University: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

The City Council of the City of San Antonio will recess and the Board of Directors of the City of San

Antonio, Texas Education Facilities Corporation will convene to consider the following item:

EFC-2020-06-25-0001R

- 17A.** Resolution of the City of San Antonio, Texas Education Facilities Corporation authorizing the issuance of up to \$175,000,000 in principal amount of City of San Antonio, Texas Education Facilities Corporation Higher Education Revenue Refunding and Improvement Bonds (Trinity University Project), Taxable Series 2020; authorizing the execution of a Third Amended and Restated Loan Agreement, a Third Amended and Restated Indenture of Trust, and a purchase contract; authorizing the preparation and distribution of an official statement; and approving other matters in connection therewith.

The Board of Directors of the City of San Antonio, Texas Education Facilities Corporation will adjourn, and the City Council of the City of San Antonio will reconvene to consider the rest of the agenda.

2020-06-25-0034R

- 17B.** Resolution approving the issuance of up to \$175,000,000 in principal amount of "Higher Education Revenue Refunding and Improvement Bonds, Taxable Series 2020" in one or more series, by the City of San Antonio, Texas Education Facilities Corporation for Trinity University, a Texas Nonprofit Corporation, and approving other matters related thereto.

CONSENT ITEMS CONCLUDED

ITEMS FOR INDIVIDUAL CONSIDERATION

Acting City Clerk Flores read the caption for Item 4.

- 4.** Briefing with possible action on the City's response and preparedness for COVID-19.

City Attorney Andy Segovia provided a brief presentation regarding the latest Executive Order GA-27 from Governor Abbott effective at 11:59 pm on Friday June 26, 2020. He stated that Bexar County Judge Nelson Wolff and Mayor Nirenberg approved a local Addendum to ensure alignment with Governor Abbott's Order.

City Attorney Segovia cited the Governor's Executive Order GA-26 issued on June 3, 2020 which allowed local authorities to restrict outdoor gatherings over 500, with the following exceptions:

- CISA, religious services, local government operations, child-care services, youth camps, rec sports programs for youth and adults, sporting events (professional, collegiate, or similar), swimming pools, water parks, museums and libraries, zoos, aquariums, natural caverns, and similar facilities, rodeos and equestrian events, and amusement parks and carnivals.

City Attorney Segovia cited the June 23, 2020 Governor's Proclamation which amended GA-26, as follows:

- County Judge or Mayor, in consultation with the local public health authority, may impose additional restrictions on any outdoor gatherings estimated to be in excess of 100 people, with the same exceptions as GA-26.

City Attorney Segovia cited the Bexar County Executive Order NW-10, effective June 17, 2020 through June 30, 2020, as follows:

- Applied to the entirety of Bexar County, including the City of San Antonio
- Required all commercial entities in Bexar County that provided goods or services directly to the public to develop and implement a Health and Safety Policy that included a face covering requirement
- Penalty after June 22, 2020 for failing to have a Health and Safety Policy posted may be up to \$1,000 fine
- Continued limited access points into the Bexar County Justice Center and screening required for those entering County owned or leased buildings
- Required Bexar County residents to conduct essential county business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary

City Attorney Segovia cited the Addendums to the Mayor's Emergency Declaration No. 8, issued on June 18, 2020 and June 24, 2020 respectively, as follows:

- June 18, 2020 Addendum:
 - Acknowledges and adopts Bexar County Executive Order NW-10
 - Urges all San Antonio businesses to take the "Greater, Safer, Together" pledge
 - Includes face covering requirement with no civil or criminal penalty for individuals
- June 24, 2020 Addendum
 - Prohibits outdoor gatherings estimated to be in excess of 100 people, with the same exceptions from GA-26

Mr. Segovia cited Governor Abbott's Executive Order GA-27, effective at 11:59 pm on Friday, June 26, 2020, as follows:

- Postpones all surgeries and procedures not medically necessary to diagnose or to correct a serious medical condition, or to preserve the life of the patient
- Applies to Bexar, Dallas, Harris, or Travis Counties
- Exception – Surgeries or procedures that would not deplete hospital capacity for COVID-19

Mayor Nirenberg called upon the individuals registered to speak.

Melanie Cawthon advocated for the importance of shifting tax revenues to transportation and stressed that it was urgent and imperative to the recovery and resiliency planning for San Antonio. She noted that due to COVID-19, households were forced to choose between car payments or house payments. She added that the decline in sales tax revenues and the half cent tax collected for VIA would be at an all-time low and the additional eighth cent would help to even out the short-term shortfall.

Antonio Diaz advocated for the removal of the Columbus Statue. He recognized the process that local government must follow, but he demanded the removal as soon as possible.

Diana Uriegas asked the Mayor and City Council to remove the Columbus Statue.

Jack M. Finger noted that COVID-19 seemed to improve for a while until a recent spike. He wondered if the cause for the sudden spike could be attributed to the public protestors and demonstrators that did not wear face coverings.

Nazarite Ruben Flores Perez expressed concern for the increase in COVID-19 cases in the Las Palmas area. He added that people needed to be obedient to the law and of the land. He expressed concern for his daughter and granddaughter that were in England. He stated that he wanted them to come home.

Andrew Perretta stated that he was a second-generation Italian American and urged City Council to remove the Columbus Statue. He noted that the Columbus legacy brought shame on his family and his Roman ancestors. He asked City Council to escalate the removal of the Statue as soon as possible.

Councilmember Viagran requested that the Christopher Columbus Statue be removed immediately to keep the community safe. She added that the Columbus represented the exploitation of the Indigenous Peoples and was well documented.

Councilmember Viagran expressed concern regarding the possible undercount of COVID-19 testing and suggested bringing back furloughed employees or using CARES Act funds to hire additional staff. She suggested that staff prepare a press release seeking plasma donations from individuals recovered from COVID-19. She suggested that the City provide incentives for individuals to donate plasma.

Councilmember Viagran requested regular updates during the duration of COVID-19 on the number of residents that received emergency housing assistance and eviction hearing assistance. Dr. Bridger stated that the requested information would be provided at the City Council Special Session scheduled for June 26, 2020 and regular updates would be provided.

Councilmember Sandoval suggested that City Council continue to meet weekly during the month of July to discuss COVID-19 issues, even though City Council typically did not conduct meetings during the month of July. She suggested that Metro Health add as many fax machines necessary to ensure test results were reported timely. She noted that educating the public about COVID-19 was very important and suggested utilizing an emergency notification system to inform the public of COVID-19 updates. She suggested that social media platforms and television be utilized for public service announcements.

Councilmember Sandoval suggested expanding the COVID-19 Hotline hours. She noted that over 63% of individuals that tested positive for COVID-19 were under 40 years old, and nearly 50% were between the ages of 20 and 29. She added that targeted messaging would ensure effective outreach to populations with the highest positive results. Councilmember Sandoval requested that City Staff target the Spanish speaking community as 79% of new cases were identified as Hispanic and suggested outreach to faith-based organization and supermarkets and added that education materials should be provided in Spanish.

Councilmember Gonzales asked if national news stories of COVID-19 testing being limited were true. She asked if reservations were accepted or if testing was done on a first-come, first-serve basis. Dr. Bridger confirmed that COVID-19 testing was not limited; and, in fact, COVID-19 testing had increased. Dr. Bridger reported that testing at the Freeman Coliseum Drive-Through Facility was by

appointment only and other walkup locations offered testing six days per week, on a rotating basis. Dr. Bridger encouraged those with insurance to seek testing through their health providers and reserve the Freeman Coliseum for individuals without insurance.

Councilmember Gonzales asked for the status on the contract tracing process and challenges with call back numbers and Caller I.D. notifications. Dr. Bridger reported that effective July 1, 2020, Metro Health would implement a plan to incorporate contact tracing investigation within the initial phone call that notified individuals of their positive results. She added that the Caller I.D. would display COVID Official Results or something similar.

Councilmember Rocha Garcia announced that the Council District 4 Office would remain open during the month of July and she and her staff would be available. She asked how Metro Health could alleviate wait times to prevent individuals from standing out in the heat waiting to be tested for COVID-19. Dr. Bridger reported that Metro Health secured help from the Texas Military Department to vastly expand the City's ability to provide testing. She stated that testing popup sites were expanded and over 1,000 tests were conducted daily. She added that Metro Health encouraged private clinics to expand testing.

Councilmember Rocha Garcia asked of the average wait time to receive COVID-19 test results. Dr. Bridger reported that the average wait time was five to eight days and depended on the testing site. She added that some urgent care centers offered rapid testing which provided results in 15 minutes.

Councilmember Courage asked if the City had reported an increased number of cases due to increased testing. Dr. Bridger reported that Metro Health measured the number of tests that were conducted and the positivity rate and noted just because testing had increased did not mean there were additional positive cases. She noted that San Antonio had experienced a spike and that the positivity rate had almost doubled over the past month. Dr. Bridger reported a 500% increase in the number of hospitalizations from six weeks ago. She added that was another important indicator that the case rate in San Antonio had increased significantly.

Councilmember Pelaez referenced an article from the Harvard Business Review entitled "Using Reverse Innovation to Fight COVID-19" that suggested policymakers look nationwide to find solutions to fight COVID-19. He recommended that the City keep a global mindset, remain open to the idea that others might have better ideas, and to confer with San Antonio's Sister Cities for their insights regarding COVID-19. He suggested that the Office of Innovation research solutions outside our borders.

Councilmember Andrews-Sullivan asked of the number of contact tracers on staff with Metro Health. She asked if the City could bring back furloughed employees to help with Case Investigations. Dr. Bridger reported that Metro Health had both case investigators and contact tracers and the 60 Case Investigators conducted 45-minute phone interviews with individuals who tested positive for COVID-19. She noted that the number of case investigators would increase as positive cases increased through the City's contract with EMOCHA Health to conduct contact tracing.

Councilmember Andrews-Sullivan asked if the City could provide face coverings for Seniors or residents that could not afford to purchase them. Dr. Bridger reported that the Department of Human Services (DHS) had approximately 50,000 cloth face coverings as part of the Compassionate SA Initiative. She added that the DHS would send out messaging on how to obtain free cloth face coverings.

Councilmember Andrews-Sullivan thanked the Consulate General of Vietnam for donating face masks to the City of San Antonio.

Councilmember Viagran encourage the public to vote during early voting and reminded the public to wear face coverings to protect themselves and others. She asked if face coverings were mandated with Governor Abbott's new Order. Deputy City Attorney Ed Guzman reported that the State determined COVID-19 requirements for election sites and noted there was no mandate to wear a face mask when voting. He added that if voting occurred within a City facility and an individual conducted other business within the same facility; the City could mandate a face covering for conducting other business.

Mayor Nirenberg thanked Dr. Bridger and Metro Health Staff for their efforts to fight the pandemic. He added that it was critically important that City Council remained transparent and proactive with health guidance and work together to ensure the City adhered to medical expert guidance.

Acting City Clerk Flores read the caption for Item 5.

5. Resolution outlining the City Council's priorities related to the San Antonio Police Officers Association Collective Bargaining Agreement.

Liz Provencio, First Assistant City Attorney, provided a presentation on the Resolution focused on the Collective Bargaining Agreement (CBA). She added that there was a public call for action in the weeks since George Floyd was killed while in the custody of the Minneapolis Police Department.

Ms. Provencio stated that many residents had voiced the need for Police reform, and for policing policies to promote equity and just discipline. She added that it was important to revisit the parameters that governed San Antonio Police Officers. She noted that in 1947, voters adopted Texas Local Government Code 143 which created and adopted the Civil Service for Public Safety Officers as a result of a petition and vote of the citizens of San Antonio, commonly known as Civil Service. She added that in 1974, voters adopted Texas Local Government Code 174 that approved Collective Bargaining for Police Officers. She reported that Code 174 allowed for the City to override Chapter 143 Civil Service requirements, but only if agreed to by the respective Associations, and the City could effectively augment, remove, or supplant certain provisions in Civil Service Law as the result of negotiations with the Labor Associations. She noted that the CBA with the San Antonio Police Officers Association (SAPOA) would expire on September 30, 2021 and the current contract required the City to begin discussions with SAPOA in January 2021. She stated that Mayor Nirenberg issued a memo on June 11, 2020 that outlined priority CBA issues to be reviewed by the Public Safety Council Committee, the Community Health and Equity Council Committee, and the Intergovernmental Relations Committee for Federal and State Legislative issues. Ms. Provencio noted that the Mayor's memo sought a Resolution on the outlined priority issues with the CBA as part of the City's preparation for negotiating sessions with SAPOA.

Ms. Provencio reported on the Resolution priorities related to the SAPOA CBA, as follows:

Section 1. That this Council declares the community's priorities for reformed officer disciplinary procedures as a City priority in the next collective bargaining process with the San Antonio Police Officers' Association. Reforms include but are not limited to the following:

- Eliminating the 180-day limitation on imposing discipline, the ability to include past

- discipline in current disciplinary considerations
- The ability to independently appoint a citizen review board to review internal affairs investigations and make disciplinary recommendations
- A balanced arbitration process that limits the arbitrator's authority to a determination of the facts and includes a role for the Police Chief and/or the City Manager in final discipline

Section 2. That this Council declares the community's priorities for transparency as a City priority. Reforms needed include eliminating restrictive disciplinary record release rules by including an override to state law in Chapter 143 and seeking legislative change to Chapter 143.089.

Section 3. That this Council declares as a City priority the community's priority for fiscally responsible, comprehensive and holistic investment in public safety that is not diminished by excessive cost of the next San Antonio Police Officers' Association Collective Bargaining Agreement.

Section 4. That the City Manager develop strategies to guide the achievement of these objectives through collective bargaining negotiations and the City's State Legislative agenda.

Section 5. That this Council will continue to work with its State and Federal delegation on advancing legislation that will improve public safety transparency and accountability.

Section 6. Be it further resolved, that regular updates be provided to the community on these efforts.

Mayor Nirenberg called upon the individuals registered to speak.

Brandon Johnson stated that the proposed Resolution could not be the be-all, end-all solution to the problems that the community faced. He noted that per Section 143 of the CBA, even if an officer was fired, they could be rehired and that was a problem. He added that Section 143 and 174 needed to be repealed.

Nneka Cleaver stated that this was the first step and a call for action. She added that she was very proud of the young people that were mobilizing for peace.

Kristin Paredez stated that if the final discipline was available for public viewing, it would cause mistrust for the public and police force. She called for the repeal of Chapters 143 and 174 which encompassed the CBA.

Sarah Wagner stated that citizens asked for safer communities by way of increased funding and focusing on community resources, not by increasing the police budget. She requested that the City Council defund the police and invest in the community.

Jordyn Parks stated that the Columbus Statute should be removed and demanded the renaming of Maverick Park and the removal of his pictures. She called for the repeal of State Law 143 and 174 which adopted the CBA for SAPOA.

Kimiyah Denise requested one minute to recognize the lives of Charles Roundtree, Marquis Jones, Antronie Scott, and Norman Cooper that had lost their lives at the hands of Police Officers. She noted that the current resolution with regard to the CBA negotiations was vague and insufficient.

Pharaoh Clark stated that he represented the United Revolutionaries and stated that the people of the City were not worried about COVID-19 right now. He added that they were worried about the loss of black lives.

Keyamber Thompson stated that she grew up in Council Districts 1 and 2 and that she has never had a positive encounter with the police.

Isabela Briseno stated that she was an organizer at Texas Rising. She urged City Council to continue working with the public on these important issues. She added that Chapters 143 and 174 needed to be changed and that City Council should divest from SAPD and invest in the community as soon as possible.

Camille Wright stated that Tamir Rice would have turned 18 years old today. She added that he was shot by an officer who had been deemed emotionally unfit for duty in the next town over and did not disclose this information to his new job. She stated that a database of decertified and terminated Police Officers was needed and may have saved Tamir's life.

Mario Salas stated that, as a former Councilmember, he saluted the heroes on the frontline against the battle of racism and white supremacy. He suggested that Police Officers be tested for racist ideology by way of a polygraph test. He added that officers with racial beliefs needed to be fired and called for the names of officers to be released if they had committed crimes. He urged City Council to repeal Chapters 143 and 174.

Alejandro Mayoral stated that he wondered what the outcome would be for the next CBA negotiation sessions. He called for Police Officers to be disciplined if they repeatedly shut off their body cameras or disabled them.

Thomas Ritthaler stated that Article 28 Section 19E of the CBA should be removed. He added that it automatically downgraded uncontested suspensions of three days or less, with written warnings removed after two years if there was no sustained complaint for the same rule. He noted that the same rules did not apply to civilians charged with crimes and Police Officers should not be held to a lower standard.

Josefina Fernandez stated that she was a senior at UTSA and urged City Council to repeal the State Government Code Sections 143 and 174. She added that Chapter 143 was a one-sided due process granted only to law enforcement and allowed 70% of Police Officers to be reinstated once they had been fired.

Antonio Diaz stated that Chapters 143 and 174 must be repealed. He noted that Texas was a right-to-work State and that he was pro union. He added that he did not support bad Police Officers that destroyed the community.

Alex Coy stated that San Antonio faced an unprecedented pandemic this year that resulted in a projected

\$110 million budget shortfall. He noted that as we see a coalescence of crisis, one of these will be fueled by the Police and a huge wave of evictions potentially 300,000 constituents. He added that we need food and housing during the pandemic.

Jack Scoemaker stated that George Floyd was killed to preserve the integrity of the dollar. He added that Marquis Jones was killed by an off-duty Officer at Chacho's Restaurant. He noted that the Police Union did not represent the Union Movement. He urged City Council to side with the people and defund the police.

Lexy Garcia stated that San Antonio must change everything about how issues were addressed. She noted that her neighbors were being evicted and that many more needed financial assistance but were left out. She added that divesting the police was the start of repairing the community.

Scott Kanski stated that nearly 70% of all fired Police Officers were hired back under the terms of the current CBA. He noted that San Antonians deserved better police, better public schools, and better public health services. He added that the families of Charles Roundtree, Marquis Jones, and Antronie Scott still had not received justice.

Jolene Garcia stated that she was a retired Airforce servicemember and a mother to special needs children. She added that current discussions were about police, but not the fact that police were harassing and bullying children at school. She stated that she had a collection of stories to share but would spare the details today.

Hailey Bloomer requested an open dialogue and requested that City Council divest the police and invest in the community.

Jack M. Finger stated that SAPOA wielded an extraordinary amount of power, especially with the negotiation process. He noted that the various officers charged with infractions were allowed to name their own negotiators and SAPOA reinstated two-thirds of Police Officers fired for misconduct.

Luka Yenderrozos stated that change was needed to replace the CBA that allowed for two-thirds of fired Police Officers to be rehired in San Antonio. He added that the City should implement a zero-tolerance policy on racism and discrimination by Law Enforcement Officers and Elected Officials starting at entry level.

Celeste Brown expressed her disappointment with the proposed Resolution. She noted that she wanted to participate in the crafting of the Resolution and was disappointed that she was not included. She added that she would continue to advocate for public policy.

Mohammad Rasool stated that the Black Lives Matter Movement started shortly after Tamir Rice and Travon Martin were killed by Police Officers. He added that if more Elected Officials across the country supported the Black Lives Matter Movement, less black lives would be lost at the hands of Police Officers. He urged City Council to defund the police.

Brielle Insler urged City Council to repeal Chapters 143 and 174. She stated that she could not stand behind votes that took place in 1947 and 1975, when Chapters 143 and 174 were approved. She noted that the City did not need a Resolution to repeal both Chapters. She asked for a commitment to defund

the police.

James Myart stated that he was impressed by Mayor Nirenberg, City Councilmembers, and City Manager Walsh for their involvement over the past 30 days. He added that he supported Councilmember Andrews-Sullivan and stated that millions of people were counting on City Council during the pandemic and for their support of the Black Lives Matter Movement. He noted that there were no African Americans employed in top level jobs at SAPD.

Thea Setterbo submitted written testimony. She stated she was in support of repealing Chapters 143 and 174 of the Local Government Code.

Councilmember Cabello Havrda stated that she was deeply moved and grateful for the individuals that provided comments and remained committed to listening and hearing what residents were saying. She acknowledged that the listening sessions held so far were not enough and more would be scheduled. She stated that the proposed Resolution was a start to address tangible, specific issues.

Councilmember Pelaez stated that it was important to look at other countries and learn lessons on government affairs and world history from those nations with failed states due to public distrust. He added that the City and residents had an opportunity to make SAPD more efficient, more effective, more equitable, more flexible, and more accountable to the public. He noted that the Resolution was the first step in the right direction, but that it could not be successful if SAPOA would not agree to negotiate. He acknowledged SAPOA leadership for keeping the lines of communication open.

City Manager Walsh clarified that the existing language as to the arbitration process within the Resolution intended to achieve a rebalanced arbitration process that clearly delineated the arbitrator's authority, and would include a role for the City Manager and/or the Chief of Police in the final discipline decision of a Police Officer.

Councilmember Treviño stated that Black Lives Matter and Marquise Jones and Antronie Scott were the names of the men that the current system failed. He noted that the City contemplated solutions to address systemic racism in legislative and judicial bodies like many other U.S. cities, but did not reach out to the community for input on the Resolution. He added that long-standing disciplinary issues stated in the Resolution should be reinforced with performance metrics stated in clear language and created with community input. He stated that considerable action should be taken to divest funds from the Police Budget and place them into youth services, housing, education and other community resources.

Councilmember Courage stated that everyone needed to be treated with the same respect, but Black lives have not in the past. He added that he did not just represent Council District 9, but he represented the entire city as a Councilmember and was committed to the process of making reforms. He asked if Chapters 143 and 174 could be overturned by the actions of City Council.

City Attorney Segovia stated that both statutes contained provisions that required a vote of the public to repeal them.

Councilmember Andrews-Sullivan stated that the voices of those who spoke today resonated with her. She noted that as the only Black representative on City Council, she still felt her voice was not heard.

She noted that she asked for Chapters 143 and 174 to be considered and stood up to educate the community on how to repeal those decisions. She stated that the Resolution was the first step of many in the process and she would continue to listen to the community because she had lived the experience and would not take her commitment lightly. She added that other next steps would be to address laws and codes that have been against African Americans for 400 years at the National and State levels.

Councilmember Rocha Garcia asked if any input was received from outside groups in the drafting of the Resolution and noted that input and letters of support were received from residents, COPS/Metro, and the San Antonio Apartment Association for Item 13. She asked of the engagement process for the Citizen Action Advisory Board (CAAB). She referenced The President's Task Force on 21st Century Policing Report dated May 2015 and requested an update on any recommendations that were implemented. She asked if Police Officers received further training in addition to the Police Academy training of 2 hours of implicit bias in social justice training and 4 hours of racial profiling. She expressed her disappointment with the small amount of social justice training. She asked for an update on the long-range plan for communication with communities of color as recommended in the 21st Century Policing Report. She requested clarification on preference points for Police Officers that lived within the City limits.

City Manager Walsh stated he was unaware of any groups that were asked for input on the Resolution. He noted that the Chief's Advisory Action Board was a disciplinary review board allowed for in the CBA and vacancies were filled through the outreach process utilized for all Boards & Commissions and included advertising on the City's website, followed by an interview process conducted with the Chief of Police and the Assistant City Manager. He added that the selection process was embedded in equity to ensure a balanced representation in terms of gender, race, and geography. He reported that 73 out of 76 of the 21st century Policing recommendations were implemented and stated that further information would be provided to City Council on the recommendations implemented and the long-range communication plan. He noted that the community engagement process should be recreated and be more intensive, especially given COVID-19 and current policing issues. He explained that police officer applications were designated preference points for prior military service and in previous CBA negotiations, the City had attempted to insert preference points for applicants that lived within the City limits, but negotiations with SAPOA were unsuccessful. He stated that the issue of preference points would be placed on the next City Council Agenda.

Assistant City Manager Villagómez stated that she would provide further information on annual in-service training requirements for Police Officers.

Councilmember Gonzales stated that grant-matching funded Police Officer positions needed to be considered as a long-term budgetary decision. She noted that 25 domestic violence Police Officer positions were funded through a \$33 million grant that required matching City funds and would end up costing \$57 million over the lifetime of their traditionally long-term careers. She added that she looked forward to further conversations on the Resolution.

Councilmember Sandoval thanked the individuals who spoke for reminding the City Council about their obligations. She stated that Jesse Aguirre died in San Antonio from suffocation in 2013 from Police Officers kneeling on his neck and back and she attended the first protest in support of the community. She added that she supported the issue of racism as a public health crisis. She reported that she accepted a contribution from SAPOA and donated the funds to a local non-profit group that supported

restorative justice for persons of color. She stated that putting forth a Resolution for public consideration was an effort toward transparency. She noted that a full summary of the Public Safety Listening Sessions would be reviewed at the City Council B Session and proposed that further discussion on the Resolution take place at the same B Session. She asked Assistant City Manager Villagómez for her input regarding the Public Safety Listening Sessions Summary.

Assistant City Manager Villagómez reported that 341 individuals participated in the process, 306 comments were received, and 35 individuals spoke at two virtual meetings and in-person meetings held on June 15, 2020, June 18, 2020, and June 20, 2020. She added the comments were posted on the City's website and the main topics addressed were changes to the CBA, discipline, repealing of Chapters 143 and 174, defunding the Police Budget, divesting funds to other social services within the City, and included comments of individuals that supported SAPD.

Councilmember Viagran thanked all the individuals who spoke and stated that the City Council's commitment to transformation in policing was very evident in the Goal Setting Session and City Budget allocations. She stated that psychological testing for Police Officers should be done on a quarterly basis, not just once. She added that she was in support of a Resolution going forward with more community input.

Councilmember Perry stated that in 1979, he took an oath to support the Constitution of the United States of American and all 27 Amendments which included many rights given to everyone in the United States. He added that he served his Country for 21 years and took an oath to not only defend the Constitution, but to also uphold the laws of the Texas Constitution when he was elected to City Council. He added that he supported Police Officers and taxpayers and was committed to prioritizing policies and the City Budget on the best way to spend tax dollars. He voiced concern that the Resolution set out priorities too far in advance of negotiations and could create an 'Us versus Them' mindset by the time negotiations were underway. He agreed that the Resolution was a starting point and looked forward to negotiations.

Councilmember Rocha Garcia referenced the Mayor's June 11, 2020 Memorandum regarding priority Resolution issues and noted that Item 17 stated that teams from formed neighborhood council groups would be called to attend Officer-involved shootings. She asked for the number of times teams were called to attend officer-involved shootings and asked for the names of the group members. She referenced Item 19 and asked how Police Officer promotions impacted community relationships. She referenced Item 24 and asked of the frequency of psychological exams from FY 2016 to present. She referenced Item 25 and asked for the names of members on the Committee assigned to identify exceptional Police Officers. City Manager Walsh stated that the answers would be provided.

Mayor Nirenberg stated that the Resolution was intended to send a message, and identify in writing for public transparency, the priority issues to be negotiated under the CBA. He recognized that the discussions of many of the priority issues were ongoing for the past 30 years with the same provisions that enabled bad officers to stay on the police force. He acknowledged that what was different today was that the community came together in virtual unanimity, Brown, Black, and White, to call for a change. He stated that he wanted to go on City Council Record that the City was not again going to accept a SAPOA contract that did not resolve the priority issues. He stated that the City would not pass on the opportunity in a Legislative Session to have the public heard to resolve Chapters 143 and 174. He stated that the City would strike while the iron was hot to prevent bureaucracy from getting in the

way. He called on the community for help and asked them to return to the Dais and spread outreach throughout the community once CBA negotiations began.

Councilmember Cabello Havrda moved to approve the Resolution. Councilmember Courage seconded the motion. Councilmember Cabello Havrda withdrew her motion.

Councilmember Pelaez moved to accept the Resolution with an amendment to the existing language as to the arbitration process, to read, “An improved or more transparent arbitration process that restores public trust.” The motion died for lack of a second.

Councilmember Sandoval moved to forward Item 5 to be considered at the City Council B Session in August, 2020. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

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

CITY MANAGER'S REPORT

18. City Manager's Report

City Manager Walsh reported that the number of City employees with COVID-19 had increased. He stated that 88 employees out of 12,000 tested positive; 417 employees were in quarantine (including the 88 positive cases); 199 employees were symptomatic and pending test results; and 128 employees were close contacts to positive cases. He stated that he held a virtual townhall meeting with 1,500 employees yesterday to re-stress the importance of the use of wearing masks and following workplace safety protocols, and he asked employees to use their best judgment in their off-duty hours during social situations to protect themselves, their families, and their coworkers.

City Manager Walsh presented a short video on the Department of Government and Public Affairs (GPA) and their ability to solve new problems to address COVID-19 and create COVID-19 awareness content for the community. He noted that GPA was able to quickly adapt and pivot, change their schedules, and their ways of working to produce and post over 230 videos on a YouTube playlist that received over 200,000 views and over 400,000 views on Facebook. He stated that he was proud that the City placed resources in communities in need, which was the focus of every GPA video. He noted that every video was produced in Spanish as well.

City Attorney Segovia announced the departure of Deputy City Attorney Edward Guzman. He stated that Mr. Guzman joined the City Attorney’s Office in 2007 and served as Deputy City Attorney since 2016. He thanked Mr. Guzman for his contributions and accomplishments which were many and varied, and stated he would be sorely missed.

Mayor Nirenberg recognized the birthday of Councilmember Rebecca Viagran.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting at 2:45 pm to discuss the following items:

- 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.** Discuss legal issues relating to COVID-19 preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting at 3:22 pm and announced that no action was taken.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 3:22 pm.

APPROVED

RON NIRENBERG
Mayor

Attest:

TINA J. FLORES
Acting City Clerk