

# GOVERNANCE COUNCIL COMMITTEE MEETING MINUTES

DECEMBER 7, 2016 at 1:00 PM  
CITY HALL, MEDIA BRIEFING ROOM

Committee Present:	Mayor Ivy R. Taylor, <i>Chair</i> Council Member Rebecca Viagran, <i>District 3</i> Council Member Ron Nirenberg, <i>District 8</i> Council Member Joe Krier, <i>District 9</i> Council Member Mike Gallagher, <i>District 10</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Andy Segovia, <i>City Attorney</i> ; Leticia Vacek, <i>City Clerk</i> ; Rod Sanchez, <i>Director of Development Services Department</i> ; Lori Steward, <i>Director of Human Resources</i> ; Melinda L. Uriegas, <i>Assistant City Clerk</i> ; Ed Guzman, <i>Assistant City Attorney</i> ; Susan Guinn, <i>Assistant City Attorney</i> ; Krista Cover, <i>Assistant City Attorney</i> ; Joseph DeCenzo, <i>Assistant City Attorney</i> ; Natalie Balderrama, <i>Assistant Director of HR</i> ; Melissa Ramirez, <i>Assistant Director of DSD</i> ; Catherine Hernandez, <i>Planning Manager</i> ; Krystal Strong, <i>Sr. HR Administrator</i> ; Andrew Trexler, <i>District 1</i> ; Jeb Maebius, <i>District 1</i> ; Don Vasser, <i>District 3</i> ; Rosana Galaviz, <i>District 4</i> ; David Alvarez, <i>District 9</i> ; Rebecca Podowski, <i>District 10</i> ; Paul Jimenez, <i>District 10</i> ; Emilie Christian, <i>District 10</i>
Others Present:	Council Member Roberto Trevino, <i>District 1</i> ; George Peck, <i>Planning Commission</i> ; Doshie Piper, <i>University of the Incarnate Word</i> ; Cecilia Picazo, <i>SAWS</i> ; Adrienne House, <i>San Antonio Fighting Back</i> ; Michael Tucker; Jack M. Finger; Mark Spielman; Steven Price; Cosima Calvin; Terry Burns, <i>Alamo Sierra Club</i> ; Erin Bley, <i>Kaufman &amp; Killen</i> ; Steven Huerta, <i>All of Us or None</i> ; Tommy Acosta, <i>All of Us or None</i> ; Gilbert Salazar, <i>All of Us or None</i>

## CALL TO ORDER

Mayor Taylor called the meeting to order.

### 1. Approval of the Minutes for the City Council Governance Committee Meeting of October 19, 2016

Councilmember Gallagher moved to approve the Minutes of the City Council Governance Committee Meeting of October 19, 2016. Councilmember Krier seconded the motion. The motion carried unanimously.

### 2. Report on Items considered by City Council Committees between October 17, 2016 and December 2, 2016

The Report was reviewed and there being no discussion on Item 2; Item 3 was addressed.

**3. A Council Consideration Request from Councilmember Roberto Treviño, District 1, regarding a Request to provide Weekly Reports to Registered Neighborhood Associations with an NCD Zoning Overlay, regarding Permit Applications and/or preliminary Plan Review Meetings for Projects located within their respective NCD**

Mr. Rod Sanchez explained that there were 9 Neighborhood Conservation Districts (NCD) in the City of San Antonio and that Weekly Reports would provide notice anytime there is a Permit Application or Preliminary Plan Review with Development Services Department. He stated that the effort would support greater transparency and would entail a change to the Unified Development Code (UDC). He reported that changes to the Unified Development Code would require a briefing to the Planning Commission, review by the Neighborhoods and Livability Council Committee, and final approval by the City Council.

Councilmember Treviño extended appreciation to Staff for their work. He stated that Weekly Reports were an important tool to promote connectivity in neighborhoods. He mentioned that there were 27 Historic Districts in San Antonio and that it was important to make the change for both the NCDs and the Historic Districts. He added that these efforts would help ensure that conversations take place between Neighborhood Leaders and Business Developers before important decisions are made. He recognized the Neighborhood Leaders present and thanked them for their support.

Councilmember Gallagher requested clarification on the process of informing Neighborhood Leaders. Mr. Sanchez confirmed that the information is available online to Neighborhood Leaders and noted that the Weekly Reports would supply an additional layer of support by directly providing an email and link to the information. Councilmember Treviño highlighted the implementation of a New System which would automate the Process and ensure constant communication with Neighborhood Leaders.

Councilmember Viagran expressed support for the idea. She noted that the Weekly Reports would enable Neighborhood Residents around the World Heritage Sites to stay informed.

Councilmember Nirenberg asked if there would be an opt-in option for other registered Neighborhood Authorities. Mr. Sanchez confirmed that there would be opportunities for other Neighborhood Authorities to opt-in.

Councilmember Nirenberg moved to direct Staff to proceed with the UDC Amendment Process including required briefings to the Planning Commission and Neighborhoods & Livability Council Committee. Councilmember Viagran seconded the motion. The motion carried unanimously.

**4. A Council Consideration Request from Councilmember Roberto Treviño, District 1, to amend the composition of the San Antonio Planning Commission**

Mr. Rod Sanchez explained that the Planning Commission was a nine member at-large body and that the Council Consideration Request (CCR) examined the possibility of changing to a district appointed Commission. He provided background on the Planning Commission's role for the City of San Antonio. He reported that the Commission acted as a Final Approving Body for Plats, Subdivisions, Variances, and other Developments. He noted that the Commission made recommendations on Unified Development Code (UDC) Amendments and also acted as an Appellate Body in reviewing appeals for Vested Rights and Master Development Plans denied by City Staff. He stated that the UDC could be changed to require representation from all areas of the City. He added that some of the issues presented to the Planning Commission were very technical in nature and that it was important to retain Commissioners who were able to comprehensively review said issues.

Mr. Sanchez reported that there were four ex-officio members on the Commission including the City Manager, Councilmember Saldaña, and the Chairpersons of the Zoning Commission and Board of Adjustment. He added that, according to the City Charter, the City Council was able to appoint additional ex-officio members to the Commission. He stated that the meeting times of the Planning Commission were established by the UDC and a change would require a UDC Amendment. He mentioned that the composition of the Planning Commission was established by Charter, which would require a Charter Amendment Election to change. He noted that the earliest available time for a Charter Amendment Election would be November 2017. He provided detail on the Staff Recommendation to divide the City into Quadrants to ensure representation from each Quadrant.

Mr. Sanchez added that the City Council could address the lack of representation immediately by appointing an ex-officio member. He explained that ex-officio members have the right to vote in meetings but that they are not counted towards a quorum and are not counted absent. He noted that an advantage of adding members to the Commission would be to provide City Council District Representation but that it might also impact the comprehensiveness of the Commission. He stated that City Staff recommended forwarding the Item to the Charter Review Commission for a recommendation and deeper study of the issue.

Councilmember Treviño stated that the issue was about relationships and communication with the Community and that the City Council has an opportunity to foster a direct relationship with the Commission. He expressed the need to incorporate Local Neighborhoods in the important decisions facing the City and asked for support in changing the composition of the Commission.

Mayor Taylor noted that the Charter Review Commission was scheduled to meet next week and review items for future discussion. She added that the Charter Review Commission needed to discuss and examine the specifics of amending the composition of the Planning Commission. She mentioned that there was a lack of major cities that appoint Planning Commissioners by District. She asked for detail on the Process of amending the UDC. Mr. Sanchez replied that the process entailed review by the Planning Commission, the Neighborhoods & Livability Council Committee, and final City Council approval. He added that the City Council had the ability to make ex-officio appointments immediately to address any under-representations on the Commission.

Councilmember Viagran reported that many District 3 Constituents wanted to serve but were not able to attend meetings as they took place in the middle of the work day. She stated that it was important to change the meeting times in order to accommodate the schedules of many working constituents. She asked for detail on the ex-officio positions on the Commission. Mr. Andy Segovia replied that there was no limitation on the number of ex-officio members and that four voting positions were currently ex-officio. Mrs. Sheryl Sculley noted that she was unable to attend meetings as they are held during City Council Meetings.

Councilmember Viagran moved to direct Staff to begin the UDC Amendment Process in order to change the meeting times of the Planning Commission. Additionally, that said CCR to be sent to the Charter Review Commission for recommendations. Councilmember Gallagher seconded the motion.

Councilmember Nirenberg expressed concern that a number of Planning Commissioners were required to recuse themselves from recent votes and that outside industries were exerting pressure to favor or oppose candidates to the Planning Commission. He stated that said pressures were in conflict with the need for balance on the Commission and the need to demonstrate that the Planning Commission appropriately represented the interests of the Citizens of San Antonio. He expressed support for moving the meeting times so that more citizens could attend and participate.

Councilmember Krier expressed concern with transitioning to a District Representation body. He stated that the Planning Commission was one of the most important bodies of the City and that the Charter Review Commission should examine the issue in a comprehensive way. He noted that there were alternatives to

amending the Charter and asked how long ex-officio members serve. Mr. Andy Segovia replied that ex-officio members serve for two years. Councilmember Krier highlighted the importance of meeting times and expressed the need for an Administrative Solution.

Councilmember Gallagher cautioned against District-focused Representation and noted that a Representation Model based on quadrants would yield comprehensive representation of the City while maintaining neighborhood input. He noted that the appointment of Commissioners with technical and specialized backgrounds would help to identify Best Practices. Councilmember Nirenberg mentioned that Staff could provide Best Practices and Feasibility Studies. Councilmember Treviño noted that both experts and neighborhood authorities were needed.

Mayor Taylor stated that past appointments to the Planning Commission were interviewed by the entire City Council and asked for detail regarding said Interview Process. Mrs. Sheryl Sculley replied that the Interview process was at the discretion of the City Council and that previously, interviews were conducted before the entire City Council at B Session. She added that the Process proved inefficient and the interviews were moved to the City Council Committees. She added that staff could examine the possibility of moving interviews for select Boards with Statutory and Charter responsibilities before the full City Council. She stated that options would be presented at the next Governance Council Committee Meeting.

The motion carried unanimously.

#### **5. A Council Consideration Request from Councilman Rey Saldaña, District 4, regarding the creation of a Fair Chance Hiring Ordinance**

Ms. Lori Steward reported that the Fair Chance Hiring Movement began years ago but had recently been re-invigorated in 2014. She stated that the Human Resources (HR) Department had been monitoring the movement and implemented a change to the Hiring Process two years ago in which Criminal Background Information submitted by applicants is kept confidential and is only available to HR. She discussed the goal of the movement which was to have applicants evaluated on their qualifications first and added that HR had been faithful to that goal. She noted that there remained a section for applicants to disclose Criminal Background Information and that the City of San Antonio currently conducts Background Checks on all applicants. She explained that applicants are fingerprinted for a Local Check as well as examined using a National Check.

Ms. Steward reported that Background Checks were only applicable for Civilian Positions and that a separate process was in place for Uniformed Personnel. She stated that at least 115 other cities and counties had “banned the box” and removed the section for disclosure of Criminal Background. She mentioned applicants would not apply to the City of San Antonio due to the need to disclose this information during the Application and Hiring Process. She noted that certain Civilian Positions required higher screening requirements such as positions relating to Criminal Justice, Airport Security, and Pre-K 4 SA. She recommended adopting banning the box completely. She mentioned that this could be accomplished administratively without the need for an ordinance.

Mayor Taylor reported that the issue was important to the My Brother’s Keeper Movement and had a number of important impacts including Workforce Development and Restitution. She introduced Dr. Doshie Piper of the University of the Incarnate Word and mentioned that Councilmember Saldaña was not able to attend the meeting. Dr. Piper read a statement by Councilmember Saldaña in support of creating an Ordinance to address many of the obstacles faced by Citizens with Criminal Records when attempting to re-integrate into society and find stable employment. She added that there are approximately 30,000 individuals on Probation or Parole which constitute a large section of the applicant pool that would benefit from Fair Chance Hiring.

Councilmember Krier expressed concern that Taxpayers and Constituents would not be receptive of the Fair Chance Hiring Initiative. He discussed possible liabilities for the City and asked for detail regarding the City's Background Checks. Mrs. Sheryl Sculley reported that the only difference would be the absence of the Self-Disclosure Section of the Job Application. She noted that the City would continue to conduct Background Checks on Applicants and that certain jobs would require additional layers of investigation. Ms. Steward added that the self-disclosed information is kept confidential from Hiring Managers. Dr. Piper noted that the Initiative would not prevent the City from conducting Background Checks.

Councilmember Viagran asked if applicants for Boards and Commissions were required to disclose Criminal Background Information. Mrs. Leticia Vacek replied that she would confirm with City Staff if Applicants were asked to disclose.

Councilmember Nirenberg asked if Bexar County participated in the Initiative. Ms. Steward reported that Bexar County had not participated but that the Cities of Austin and Houston had implemented the Practice. Councilmember Gallagher noted that conducting Background Checks after a conditional offer is made would help to mitigate any effect on Applicants.

Councilmember Nirenberg moved to direct Staff to implement the Fair Chance Hiring Practice administratively. Councilmember Viagran seconded the motion. The motion to direct Staff to proceed with the implementation of the Fair Chance Hiring Practice administratively and seconded by Councilmember Viagran carried by the following vote:

**AYE** – Councilmembers Viagran, Nirenberg, Gallagher, and Mayor Taylor

**NAY** – Councilmember Krier

Mayor Taylor asked that a briefing be presented to the entire City Council. Mrs. Sculley replied that a memo would be distributed to the City Council that would outline the Practice.

#### **6. A Council Consideration Request from Councilman Ron Nirenberg, District 8, to change the City's Nonpartisan Municipal Elections to Nonpartisan General Elections in November**

Mr. Andy Segovia reported that Section 5 of the City Charter sets out the Terms of Office for the City Council but is silent on a specific Election Date. He stated that the City has conducted its Elections in May of odd numbered years since 1997 and that one method of changing the Election Date to November would be through a Charter Amendment Election. He explained that a State Law had been passed which allowed Home Rule Cities to change their Election Dates to November by Resolution but that most cities had changed Election Dates through Charter Amendments. He mentioned that the State Law would expire at the end of the year and that it was unknown if a similar law would be passed in the next Legislative Session. He added that there was legislation that would mandate cities to change their Election Dates to November and that the City Attorney's Office would be monitoring the Legislative Session for updates.

Mr. Segovia stated that, if changed through Resolution, the date of the upcoming May Election would not be affected but that the Terms of Office would have to be changed accordingly. He noted that the Ethics Review Board was examining possible changes to the Ethics Code and Campaign Finance Code and was scheduled to meet in January. Mrs. Sheryl Sculley noted that, if the May Election was changed to November; the new City Council would not take office until June unless the City Charter was amended.

Councilmember Nirenberg suggested that the issue be fully vetted by the City Council Committees. He noted that the next City Council would take office after a seven-month holding period if the Election Date was

changed to November. He expressed the need to keep City Elections non-partisan and noted that the City of Austin had experienced a four-fold increase in Civic Engagement after changing their Election Date.

Mayor Taylor recognized that voter turnout is higher in November and driven by partisan politics. She stated that it would be difficult to expect an election in November to be non-partisan and added that May Elections allowed for a deeper focus on Municipal Issues rather than National or State Issues. She noted if the Election Date was moved to November it would be necessary to discuss having partisan elections. She mentioned that campaign spending in November Elections drives voter attention to National Issues which would be difficult to raise adequate funding to give voice to Municipal Issues.

Councilmember Gallagher discussed complaints he had received regarding the length of the November Ballot. He added that November Elections would require voters to consider issues facing the City separate from Party Politics.

Councilmember Viagran stated that voter turnout was an issue for District 3 and expressed concern that moving the Municipal Elections to November would cause voter confusion and fatigue.

Councilmember Krier noted that the Intergovernmental Relations Subcommittee could review the issue as it related to the 2017 Texas Legislative Program. He stated that moving elections to November would dramatically increase the cost of running a City Council Campaign.

Councilmember Krier moved to forward said item, as it related to the 2017 Texas Legislative Program, to the Intergovernmental Relations Subcommittee and; as it related to moving Municipal Elections to November, to the Charter Review Commission for review. Councilmember Gallagher seconded the motion. The motion carried unanimously.

## **ADJOURNMENT**

There being no further discussion, Mayor Taylor adjourned the meeting at 2:27 pm.

## **ATTEST:**

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*Ivy R. Taylor, Mayor*

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*Leticia M. Vacek, TRMC/CMC/MMC  
City Clerk*