

**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, October 29, 2020**

**9:00 AM**

**Municipal Plaza Building**

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

1. The Invocation was delivered by Reverend Kevin L. Nelson of the Calvary Baptist Church, guest of Councilmember Andrews-Sullivan, Council District 2.
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 August 6, 2020, August 11, 2020, and August 12, 2020.

Councilmember Andrews-Sullivan moved to approve the Minutes. 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

Mayor Nirenberg noted his appreciation to all those in attendance who observed social distancing guidelines as the pandemic continues. He stated that plexiglass dividers were utilized by City Councilmembers on the dais and some of the seating for the public was unavailable to ensure social distancing guidelines were met. He thanked all those in attendance for their cooperation.

**POINT OF PERSONAL PRIVILEGE**

Councilmember Rocha Garcia spoke about Rett Syndrome which was a neurological disorder which was seen almost exclusively in females. She noted that a family affected by Rhett Syndrome contacted her office and asked for help to bring awareness of the syndrome. She added that Rett Syndrome had multiple effects such as speech loss, seizures, scoliosis, and irregular breathing patterns. She stated that many girls and women lose the ability to walk and require maximum assistance with daily activities. She recognized Genevieve Isabella whom had been affected by the syndrome and her grandparents who continue to be inspired by her resilience and joyfulness.

### **POINT OF PERSONAL PRIVILEGE**

Mayor Nirenberg recognized Suzanne Scott with the San Antonio River Authority (SARA) in her new role as Texas State Director for the Texas Nature Conservancy after 13 years with SARA. He stated that Ms. Scott was appointed General Manager of SARA in 2007 and directed SARA's programs and projects, managed the agency's budget, oversaw and worked with staff, Engineers, Scientists, Environmental Managers, field crews, and a host of other professionals to extend SARA's environmental leadership, stewardship, expertise, and to broaden appreciation for the San Antonio River and its ecosystem. He thanked Ms. Scott on behalf of the City, for her stewardship and leadership and noted that he looked forward to a partnership with the Texas Nature Conservancy.

Suzanne Scott stated that she was proud of everything she accomplished with SARA and looked forward to the opportunities with the Texas Nature Conservancy to address environmental issues statewide.

Councilmember Sandoval congratulated Ms. Scott and wished her well and thanked her for her accomplishments with SARA.

Councilmember Courage thanked Ms. Scott for her accomplishments in San Antonio, the State of Texas and with other Countries.

Councilmember Viagran recognized Ms. Scott and her team for their dedication and commitment to SARA. She recognized Ms. Scott for the work she accomplished with San Pedro Creek, Mission Reach, the Creekway System in San Antonio, and the ecosystem.

### **CONSENT AGENDA ITEMS**

Item 32 was pulled for Individual Consideration.

Councilmember Courage moved to approve the remaining Consent Agenda Items. Councilmember Andrews Sullivan 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

Mayor Nirenberg called upon the individuals registered to speak.

Jack Finger spoke in opposition to Item 36 and Item 33.

Councilmember Andrews-Sullivan highlighted Item 10B which provided funding in the amount of \$336,600.00 for a homeless encampment services outreach application platform to ensure that the City

was caring for those who were less fortunate. She highlighted Item 17B and noted that it would provide improved roads for school children. She highlighted Item 20.

Councilmember Viagran acknowledged the appointment of Pat Jasso to the Brooks Development Authority Board and George Hinojosa, Jr. to the Ethics Review Board and congratulated both of them. She thanked City staff for their work on the Texas Parks & Wildlife Department Urban Outdoor Recreation Grant.

Councilmember Pelaez expressed support for Items 18A and 18B which supported local businesses.

**2020-10-29-0741**

4. Ordinance approving a contract with Omnigo Software, LLC, for the delivery, implementation, integration, and maintenance of an incident reporting system for the San Antonio Public Library for a total cost of \$66,509.12. Funding for the initial system subscription services and implementation costs is available through the FY 2021 Information Technology Services Capital Budget included in the FY 2021 - FY 2026 Capital Improvement Program. Funding for operations and maintenance costs for subsequent years will be funded by the Library General Fund budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2020-10-29-0742**

5. Ordinance approving an Interlocal Agreement with the San Antonio River Authority to engage in cooperative purchasing allowing the use of contracts procured with cooperative purchasing provisions by either entity for a \$100.00 administrative fee for each contract utilized. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2020-10-29-0743**

6. Ordinance approving a contract with Vogel Traffic Services, dba EZ Liner, to provide the Aviation Department with a palletized paint sprayer for a total cost of \$83,963.45. Funding is available from FY 2021 Airport Operating & Maintenance Fund Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2020-10-29-0744**

7. Ordinance approving a contract with RollTechs Specialty Vehicles, LLC, to provide two custom vans for the Parks & Recreation and Health departments for a total cost of \$259,241.70. Funding in the amount of \$122,961.80 is available from the Texas Department of State Health Services Grant and \$136,279.90 from the Adopted Capital Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2020-10-29-0745**

8. Ordinance approving a contract with Lenco Industries, Inc., for one all-terrain medical/fire response vehicle for the San Antonio Fire Department for a total cost of \$346,972.00, funded by 2020 tax notes. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2020-10-29-0746**

9. Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$237,000.00 included in the respective department's FY 2021

Adopted Budget: (A) Western States Fire Protection for fire sprinkler inspections for the San Antonio Fire Department; (B) Clampitt Paper Company and Western BRW – Bosworth, dba OVOL USA, for copier and printer paper; and (C) LeadsOnline LLC for an amendment to the LeadsOnline database subscription agreement. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

10. Approving the following items in connection with the Civtech SA Residency Program: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2020-10-29-0747**

- 10A. Ordinance approving a contract with Rise Civic Consulting, LLC in the amount of \$195,100.00 for the delivery, implementation, hosting and maintenance of a digital affordable housing portal for the Neighborhood and Housing Services Department. Funding is available from the General Fund.

**2020-10-29-0748**

- 10B. Ordinance approving a contract with Appledore, Inc., in an estimated total amount of \$336,600.00 for a homeless encampment services outreach application platform to enhance homeless service coordination amongst organizations and street outreach staff working with the unsheltered homeless population. Funding for this contract will be provided from the Department of Housing and Urban Development Emergency Solutions Grant Street Outreach program.

**2020-10-29-0749**

11. Ordinance awarding a construction contract to the lowest responsive bidder to D. Wilson Construction for the West Cargo Facility Rehabilitation project at the San Antonio International Airport in the amount of \$4,661,606.69 and appropriates \$1,732,014.42 from Interim Airport Financing and amends the FY 2021 - FY 2026 Capital Improvement Program. [Carlos Contreras, Assistant City Manager; Jesus Saenz, Director, Aviation]

**2020-10-29-0750**

12. Ordinance approving a construction contract with J. Sanchez Contracting, Inc. in an amount not to exceed \$2,915,391.88 for the Leon Creek - Levi Strauss Park to Lackland Monument project, located in Council Districts 4 and 6. Funding in the amount of \$2,852,545.72 is available from the voter approved Sales Tax Venue funds and is a part of the FY 2021 – FY 2026 Capital Improvement Program, and \$62,846.16 is available for supplemental trees and irrigation from the Tree Canopy Preservation and Mitigation Fund FY 2021 Adopted Budget. Also approving the execution of a Multiple Use Agreement with the Texas Department of Transportation to allow for the construction and maintenance of greenway trail improvements within TxDOT right-of-way. [Colleen M. Bridger, MPFH, PhD, Assistant City Manager; Homer Garcia III, Director, Parks & Recreation]

**2020-10-29-0751**

13. Ordinance approving a construction contract with Capital Excavation Company in the amount of \$6,020,093.26, of which \$1,046,838.78 will be reimbursed by San Antonio Water System and \$276,222.00 will be reimbursed by CPS Energy, for the 2017 Bond Eisenhower Road/Northwood-Devonshire Area Phase 1 project, located in Council District 10. Funds are available from the 2017-2022 General Obligation Bond Program and are included in the FY 2021 - FY 2026 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager;

Razi Hosseini, Director, Public Works]

**2020-10-29-0752**

14. Ordinance approving a task order to a Job Order Contract with Belt Built Contracting, LLC in an amount not to exceed \$289,173.33 for brick repairs at the Houston Street Parking Garage located in Council District 1. Funds are available from the Parking Operating and Maintenance Fund and are included in FY 2021 - FY 2026 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

**2020-10-29-0753**

15. Ordinance awarding a construction contract to Davila Construction, Inc. in the amount of \$684,340.16 of which \$235,232.96 will be reimbursed by San Antonio Water System for the O. P. Schnabel Park Entrance & Bridge project, a 2017 Bond funded project, located in Council District 7. Funds are available from the 2017 - 2022 General Obligation Bond Program and are included in the FY 2021 - FY 2026 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

**2020-10-29-0754**

16. Ordinance awarding a construction contract to New Age General Contractors, Inc. in the amount of \$741,536.52 of which \$144,079.46 will be reimbursed by San Antonio Water System for the Heath Road/Grissom Road Intersection project, a 2017 Bond funded project, located in Council District 6 & 7. Funds are available from the 2017 - 2022 General Obligation Bond Program and are included in the FY 2021 - FY 2026 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]
17. Approving the following two items related to the Fort Sam ISD New Roadway (Winans Road to Rittiman Road) project, a 2017 Bond Program project: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

**2020-10-29-0755**

- 17A. Ordinance approving an Interlocal Agreement with Fort Sam Independent School District and accepting funds in an amount not to exceed \$150,000.00 from Fort Sam Independent School District for the design of roadway improvements in relation to the Fort Sam ISD New Roadway (Winans Road to Rittiman Road) project; and approving the appropriation and amending of the FY 2021 - FY 2026 Capital Improvement Program with funds in the amount not to exceed \$150,000.00 from the Fort Sam Independent School District for the 2017 Bond Program Fort Sam ISD New Roadway (Winans Road to Rittiman Road) project.

**2020-10-29-0756**

- 17B. Ordinance awarding a construction contract to J3 Company, LLC in the amount of \$999,720.10 for the 2017 Bond Program Fort Sam ISD New Roadway (Winans Road to Rittiman Road) project. Funds are available from the 2017-2022 General Obligation Bond Program and are included in the FY 2021 - FY 2026 Capital Improvement Program.
18. Approving the following two construction contracts totaling \$9,228,513.40 to complete the street maintenance projects identified in the Infrastructure Management Program: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

**2020-10-29-0757**

- 18A. Ordinance awarding the 2021 Street Rehabilitation Task Order Contract Package 1 to J&P Paving Co. Inc. in an amount not to exceed \$4,697,654.60 of which \$126,015.00 will be reimbursed by San Antonio Water System and \$8,750.00 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

**2020-10-29-0758**

- 18B. Ordinance awarding the 2021 Street Rehabilitation Task Order Contract Package 2 to J&P Paving Co. Inc. in an amount not to exceed \$4,530,858.80 of which \$126,015.00 will be reimbursed by San Antonio Water System and \$8,750.00 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure.

**2020-10-29-0759**

19. Ordinance approving a Contract for Sale of Land for 3 acres of the decommissioned Southeast Service Center at 7402 S. New Braunfels to Espada Real Estate Services, LLC for \$1,763,962. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director Neighborhood and Housing Services]

**2020-10-29-0760**

20. Ordinance approving the closure, vacation and abandonment of an improved 56-foot wide Drainage Public Right-of-Way within New City Blocks 13631 and 14527 in Council District 2, as requested by H-E-B, LP, for a fee of \$63,100.00 to be deposited in the General Fund. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

**2020-10-29-0761**

21. Ordinance approving \$100,000.00 from the Stinson Revolving Fund for improvements at the Stinson Municipal Airport as part of the Routine Airport Maintenance Program, with a Texas Department of Transportation Grant reimbursing the City up to \$50,000.00. [Carlos Contreras, Assistant City Manager; Jesus Saenz, Director, Aviation]

**2020-10-29-0762**

22. Ordinance approving the Office of Emergency Management to apply for, accept, and appropriate, upon award, in the amount of \$697,060.00 from the Fiscal Year 2020 Regional Catastrophic Preparedness Grant Program with an in-kind contribution match from the City in the amount of \$174,265.00 of non-Federal funds, or 20 percent of the total approved project costs of \$871,325.00; and approving a Personnel complement of 1 position. [María Villagómez, Deputy City Manager; Charles N. Hood, Fire Chief]

**2020-10-29-0763**

23. Ordinance approving the acceptance of funds from the U.S. Department of Homeland Security in an amount not to exceed \$60,000.00 for laboratory infrastructure support for the San Antonio Metropolitan Health District's BioWatch Program beginning September 30, 2020 through September 29, 2021. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Sandra Guerra, MD, MHP, Interim Deputy Public Health Director, Health]

**2020-10-29-0764**

24. Ordinance approving the submission of an application for and acceptance upon award of 2021 Community Services Block Grant funds in an amount up to \$2,051,128.00 for the period January

1, 2021 to December 31, 2021 and up to \$600,000.00 in 2020 Discretionary Funds for the period October 12, 2020 to September 30, 2021, from the Texas Department of Housing and Community Affairs, and approving a budget and personnel complement. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

**2020-10-29-0765**

25. Ordinance approving the submission of a Head Start Grant application to the U.S. Department of Health and Human Services and acceptance upon award of an amount up to \$25,037,682.00 for the period of February 1, 2021 to January 31, 2022; approving a program budget, including an in-kind match of \$6,259,421.00, and a personnel complement of 98 positions for the Department of Human Services. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

**2020-10-29-0766**

26. Ordinance approving the submission of an Early Head Start grant application to the U.S. Department of Health and Human Services and acceptance upon award of up to \$2,117,895 for the period of February 1, 2021 to January 31, 2022, a budget including an in-kind match of \$529,474 and a personnel complement; approving an Interlocal Agreement with the Edgewood Independent School District in an amount up to \$8,375,000 from July 1, 2020 through January 31, 2026, and amended Head Start Policy Council bylaws and Head Start Program contracts. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

**2020-10-29-0767**

27. Ordinance approving acceptance of funds in the amount of \$249,166.00 from the Texas Department of Housing and Community Affairs (TDHCA) - Homeless Housing and Services Program (HHSP) and contracts with Roy Maas Youth Alternatives, THRIVE Youth Center and Alamo Colleges District to address youth homelessness. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

**2020-10-29-0768**

28. Ordinance approving the submission of a grant application and the acceptance of up to \$1,000,000.00 upon award from the Texas Parks & Wildlife Department for the Urban Outdoor Recreation Grant, as part of the Local Park Grant Program for new playground improvements at Dawson, Herrera, Heritage Duck Pond, and Acme Parks in Council District 2, 3, 4, and 6, respectively and new park development at Dan Markson Park in Council District 8. Ordinance also amends the FY 2021 – FY 2026 Capital Improvement Program upon award of grant funds. [Colleen Bridger MPH, Assistant City Manager; Homer Garcia, Director, Parks & Recreation]

**2020-10-29-0769**

29. Ordinance approving the acceptance of a grant not to exceed \$650,000.00 from the U.S. Department of Justice, Office of Justice Programs, for the Enhanced Collaborative Model Task Force to Combat Human Trafficking program for the period of October 1, 2020 through September 30, 2023 and establishing a budget for the grant. [Maria Villagómez, City Manager; William P. McManus, Chief of Police]

**2020-10-29-0770**

30. Ordinance approving the acceptance of funds for a San Antonio Police Department grant application to the Texas Department of Transportation for the "Click It Or Ticket" Selective Traffic Enforcement Program in the amount of \$35,000.00. [Maria Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

**2020-10-29-0771**

31. Ordinance approving the acceptance funds for a San Antonio Police Department grant application to the Texas Department of Transportation for the Impaired Driving Mobilization program in the amount of \$65,000, for the period of December 1st, 2020 through September 30, 2021. [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

33. Approving the following Board, Commission and Committee appointments for the unexpired terms to expire May 31, 2021 or the terms shown below: [Tina J. Flores, City Clerk]  
A) Appointing Pat Jasso (District 3) to the Brooks Development Authority Board  
B) Appointing George Hinojosa, Jr. (District 3) to the Ethics Review Board for a term to expire April 25, 2021

**2020-10-29-0773**

34. Ordinance approving agreements with Pet Shotz, Inc. and Low Cost Pet Vax for low-cost vaccination and wellness clinics for a one-year term with the option to renew for two additional one-year terms at no cost to the City. [David McCary, Assistant City Manager; Heber Lefgren, Director, Animal Care Services]

**2020-10-29-0774**

35. Ordinance approving the issuance by the Whitney Cultural Education Facilities Finance Corporation of bonds, loans and/or other obligations for purposes of Section 147(f) of the Internal Revenue Code [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

**2020-10-29-0775**

36. Ordinance approving Substantial Amendment #1 to the FY 2021 HUD Action Plan and Budget to reprogram Community Development Block Grant (CDBG) funds in an amount not to exceed \$4,875,000 set aside for Affordable Rental and Homeownership Housing Development to the COVID-19 Emergency Housing Assistance Program. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services]

**2020-10-29-0776**

37. Ordinance approving a Professional Services contract with Specialty Property Appraisals, LLC, for Property Insurance Appraisal Services for a term of three years, beginning October 29, 2020 and ending October 28, 2023, with an option to extend, with total compensation not to exceed \$140,500. The estimated annual expense is approximately \$28,100, which will be funded from the Liability Insurance Fund FY 2021 Budget and is composed of the base contract, optional roof evaluation and optional Federal Emergency Management Agency (FEMA) special flood hazard identification. [Ben Gorzell, Chief Financial Officer, Debra M. Ojo, Director, Office of Risk Management]

**2020-10-29-0777**

38. Ordinance approving an amendment to the Agreement with Atlas Organics Development, LLC for the organics processing facility development for the Solid Waste Management Department's organics program with an increase in an amount of \$300,000 for a total payment of \$5,828,749 for electrical infrastructure improvements to be constructed at the Nelson Gardens Landfill. Funding for this amendment is available in the Solid Waste Operating and Maintenance Fund. [David W. McCary, CPM, Assistant City Manager; David Newman, Director, Solid Waste Management Department]

39. Approving the following four items relating to financial matters of the San Antonio Water System: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

**2020-10-29-0046R**

39A. Resolution, for the San Antonio Water System, authorizing the cash redemption/defeasance of certain outstanding debt obligations in an amount not to exceed \$71,045,000 par, to reduce future debt service.

**2020-10-29-0047R**

39B. Resolution authorizing the submittal of an application requesting financial assistance under the Texas Water Development Board's Drinking Water State Revolving Fund Program in the amount not to exceed \$21,613,000 for funding of certain qualified water projects for the San Antonio Water System.

**2020-10-29-0048R**

39C. Resolution, for the San Antonio Water System, establishing the City's intention to reimburse itself for the prior lawful capital expenditures of funds from the proceeds of tax-exempt obligations not to exceed \$21,613,000.

**2020-10-29-0778**

39D. Ordinance authorizing the issuance of obligations designated as "City of San Antonio, Texas Water System Junior Lien Revenue Bonds, Series 2020D" (Series 2020D), in an amount not to exceed \$11,805,000 to be sold to the Texas Water Development Board (TWDB) through the Drinking Water State Revolving Fund Program.

**CONSENT ITEMS CONCLUDED**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

City Clerk Flores read the caption for Item 32.

**2020-10-29-0772**

32. Ordinance amending Chapter 5 entitled "Animals" and Chapter 20 entitled "Municipal Court" of the City Code to regulate the retail sale of pets, expand eligibility for the animal care compliance assistance account, provide updates consistent with the strategic priorities of Animal Care Services, and establish penalties. [David McCary, Assistant City Manager; Heber Lefgren, Director, Animal Care Services]

Hebert Lefgren recognized the Animal Care Services Advisory Board members present. He stated that

Animal Care Services (ACS) committed to study the restriction of retail sales of dogs and cats during Budget development in FY 2019. He noted that in 2019 ACS issued surveys and presented the findings with its FY 2020 Budget presentation. He indicated that over 380 cities restricted the retail sale of dogs and cats, and the largest animal welfare organizations in the country supported more aggressive restrictions on the retail establishments due to the widely accepted breeding practices of wholesale breeders, otherwise known as puppy mills.

Mr. Lefgren reported that three of the 51 pet stores in San Antonio sold dogs and cats as part of their local business model and most puppies sold originated from out-of-state breeders. He indicated that many of the stores that sold dogs and cats were licensed by the United States Department of Agriculture (USDA) whose standards were below San Antonio standards.

Mr. Lefgren stated that cities across the nation had banned or restricted retail pet sales for over a decade with three legislative models having survived legal scrutiny. He indicated that retail pet sale regulations did not impact direct-to-consumer sale of pets, and enforcing the humane treatment of pets housed in pet stores was separate from the proposed Ordinance. He noted that the intent of the Ordinance was to separate the City from the inhumane treatment of animals bred commercially for wholesale use.

Mr. Lefgren reported that the following three models have remained unchallenged for municipalities:

1. Option 1-Allow sales with no pet source restrictions
2. Option 2-Prohibit all sales
3. Option 3-Allows sales but restrict pet sources to shelters, rescues, and animal control agencies

Mr. Lefgren stated that regulating puppy breeders was the role of the State and Federal Governments; however, a community had the right to say that pet sourcing was important and the City would not support puppy mill sales.

Mr. Lefgren reported that the amendment was introduced as part of the FY 2019 Budget process and in July 2019, the SASpeakUp survey was released. He indicated that traditional media (news and print), paid media, digital media, and City email distribution lists and in-person events were utilized to provide information to the Community. He noted that the ACS Board and the Community Health and Equity Committee were briefed in November and December 2019, respectively and again in May and September 2020, respectively.

Mr. Lefgren stated that the proposed code changes regarding pet sales included the following retail dog and cat sales restrictions:

- Must be sourced from a shelter, animal control agency, or licensed rescue organization
- Must be sterilized, microchipped, immunized, free of parasites, and come with documentation

Mr. Lefgren reported that the minimum fines for all pet sales offenses would be raised from \$100 to \$500 for first time offenses, and the seller's permit violations would require sterilization of all pets located at the place of sale. He added that sellers' permits were only for residents selling pets out of their primary residences.

Mr. Lefgren stated that an Animal Care Compliance Assistance Account was established in FY 2018 which would provide resources to assist residents in compliance with Chapter 5 amendments and

expanding eligibility by no longer:

- Requiring residents to already be in compliance with microchip and vaccination requirements
- Limiting improvements to property/premises

Mr. Lefgren reported that other proposed code changes included:

- Establishing a 30-day timeline for compliance with dangerous dog regulations
- Restrictions on “nuisance” feeding of animals
- Clarifying when an Animal Rescue Organization needed a license
- Grammatical improvements

Mr. Lefgren stated that if approved, the changes to Chapter 5 of the City Code would be effective January 1, 2021, and the retail pet store requirements would go into effect on July 1, 2021.

## **PUBLIC COMMENT**

## **WRITTEN TESTIMONY**

Public Comments have been submitted through the ecomment system and are attached to the minutes.

City Clerk Tina Flores announced that written testimony was received from Kayla Kerr, of Puppyland, H. Analco Gonzalez, and the Pet Industry Joint Advisory Council in opposition to Item 32. She stated that written testimony was received from the Animal Policy Group requesting changes to the proposed amendments.

Mayor Nirenberg called upon the individuals registered to speak.

Laura Zamora stated that Pet Land was not in competition with shelters and rescue organizations and did not support or utilize puppy mills. She noted that the proposed changes did not address the issue of puppy mills.

Julianne Marchbanks stated that there was no shortage of dogs and puppies in San Antonio and she questioned Pet Land’s need for a lobbyist.

Liz Catalan spoke of a dog that was previously used for breeding in a puppy mill and noted that there was no place for puppy mills in San Antonio.

Albert Sardinias stated that prohibiting pet stores from only selling animals from rescues would not address San Antonio’s stray animal problem.

Paula Sardinias indicated that the proposed changes would not reduce the number of unwanted and abandoned pets in the City.

Jaime Trueba stated that the proposed changes would have a negative impact on consumer choice, employees, businesses, and pets.

David Moreno stated that the proposed changes would not affect bad breeders but would affect businesses, employees, and a citizen's right to choose where they would get their pet.

Jamie Stewart indicated that individuals had the right to choose what pet to buy and where they bought it from and taking an individual's rights away in any situation was wrong.

Justin Kerr stated that during the COVID-19 Pandemic when businesses were struggling day-to-day, San Antonio was forcing small family-owned businesses to close.

Kayla Kerr indicated that the proposed changes would put the community at risk.

Olivia Travieso stated that the proposed changes made no distinction between good and bad breeders. She indicated that Pet Land worked with national breeding experts to identify the best facilities for their pets.

Anita Fernandez spoke on behalf of a local Veterinarian who stated that it was a mistake to think that all dog breeders had no regard for the adult dogs and puppies they sold.

Analco Gonzalez stated that Petland represented a sector of the community that there was a need for and were willing to work with the sector that the proposed changes were attempting to address. He requested more time for discussions.

Sandra Nutting stated that individuals in the rescue and shelter community were frustrated with the lack of responsibility of owners and the lack of enforcement of laws and regulations regarding spaying, neutering, and abuse.

Katie Jarl stated that the proposed changes would drive the pet market towards more humane sources and would encourage pet stores to become part of the pet overpopulation solution.

Rita Brautigan expressed support for the proposed changes and stated that the City could and would extend the same level of compassion and concern for pets inhumanely bred in other states and transported to San Antonio.

Stacy Sutton Kerby reported that puppies that come from large-scale breeders were vulnerable to disease and defect an

Abigail Real spoke in support of the proposed changes and noted that the City could not control its stray and unwanted dog population. She stated that as a result, the local shelter had to euthanize perfectly healthy dogs due to overpopulation.

Lucy Sanchez spoke of the treatment of puppies at Pet Land when she worked there and expressed support for the proposed changes.

Catherine McKey stated that the City Council should approve the proposed changes, enforce regulations, and address the stray population.

Frank Burney expressed support for the proposed changes and noted that Pet Land could adopt the business model of promoting adoptions.

Allison Goddard stated that unfortunately many puppies that came from pet stores were sick with parvo, distemper, and many other health issues.

Susan Henry stated that puppy mills did not perform any genetic testing on their dogs and did not spay or neuter them which would lead to congenital health issues.

Mayor Nirenberg reported that 243 written comments were received in support of the proposed changes and 54 written comments were received against the proposed changes. Councilmember Sandoval asked if there were ethical concerns related to the USDA certification. Mr. Lefgren stated that the minimum USDA did not reflect the values of the City. Councilmember Sandoval expressed support for the proposed changes to Chapter 5 of the City Code.

Councilmember Rocha Garcia asked how many pet stores and their employees would be affected by the proposed changes. Mr. Lefgren replied that three pet stores would be impacted in the City. He added that he did not have information on the number of employees affected.

Councilmember Andrews-Sullivan asked who individuals should call to report unethical practices of breeders. Mr. Lefgren replied that individuals could call 3-1-1 to report such issues.

Councilmember Viagran asked if the proposed changes would stop the sale of pure bred dogs. Mr. Lefgren stated that those with a breeder's or seller's permit would continue to be able to conduct business.

Councilmember Sandoval moved to approve Item 32 as presented by Staff. Councilmember Andrews-Sullivan seconded the motion.

The motion prevailed by the following vote:

**AYE:** 9 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry

**NAY:** 1 - Gonzales

**ABSENT:** 1 - Rocha Garcia

Councilmember Courage asked if Petco and PetSmart sold dogs and cats. Mr. Lefgren stated that they did not but they did provide a space for rescue agencies to independently operate in that space.

Councilmember Courage asked how many stores provided space on a regular basis. Mr. Lefgren reported that there may be 15-20 stores that provide space on a regular basis.

Councilmember Gonzales asked if any of the stores that sold pets had violated any regulations. Mr. Lefgren stated that one of the three stores in San Antonio was new and the others did not have any violations. He noted that the Ordinance did not address the care of animals in San Antonio.

Councilmember Gonzales indicated that she did not support the proposed changes.

Councilmember Pelaez expressed support for the proposed changes.

Councilmember Perry stated that the proposed changes did not support the ACS mission. He asked if the pet stores could pick from a list of acceptable breeders. City Attorney Andy Segovia replied that the City could not decide who pet stores could and couldn't do business with. Mr. Lefgren noted that staff proposed this change because the industry outside of Texas was difficult to regulate.

Councilmember Treviño stated that he supported the proposed amendments and noted that ACS performed extensive research on the policy.

Councilmember Cabello Havrda stated that her constituents expressed support for the proposed amendments and she supported the Ordinance.

Councilmember Andrews-Sullivan requested a report of application approvals and denials by geographic areas.

Councilmember Perry expressed concern regarding some leading questions on the SASpeakUp Survey.

Mayor Nirenberg stated that the greatness of a nation and its moral progress could be judged by the way it treats its animals. He noted that he was pleased to support the proposed amendments with an effective date of January 1, 2021.

Councilmember Viagran moved to amend the effective date to January 1, 2021 for all amendments. Councilmember Sandoval seconded the motion. The motion prevailed by the following vote:

**AYE:** 6 - Mayor Nirenberg, Treviño, Viagran, Cabello Havrda, Sandoval, and Pelaez

**NAY:** 4 - Andrews-Sullivan, Gonzales, Courage, and Perry

**ABSENT:** 1 - Rocha Garcia

### **CITY MANAGER'S REPORT**

#### **40. City Manager's Report**

City Manager Erik Walsh reported that the purchasing division of the Finance Department received the National Procurement Institute Award of Excellence this year. He congratulated the Purchasing Team. He stated that earlier this week, the City kicked off the 2<sup>nd</sup> Leadership Conference for the Women's Leadership Mentoring Program. He noted that 428 City employees registered for the conference last year. He thanked the leadership mentors, mentees, and cohorts for their hard work.

Councilmember Viagran urged everyone to vote.

Councilmember Andrews-Sullivan stated that voting was everyone's power.

### **EXECUTIVE SESSION**

Mayor Nirenberg recessed the meeting at 12:47 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. Legal issues relating to COVID-18 preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F. Legal issues related to City facilities pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- G. Deliberate issues related to San Antonio Public Safety Radio System pursuant to Texas Government Code Sections 551.076 (security devices and audits) and 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting at 2:09 pm and announced that no action was taken.

**ADJOURNMENT**

There being no further discussion, Mayor Nirenberg adjourned the meeting at 2:09 pm.

**APPROVED**

**RON NIRENBERG**  
Mayor

Attest:

**TINA J. FLORES**  
City Clerk