

**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, April 30, 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 announced that the San Fernando Cathedral bells rang in recognition of all the hard work that the front-line employees and everyone in the community has been doing to save lives and keep each other healthy and safe. Mayor Nirenberg stands in solidarity with those that have lost their lives to COVID-19 in our community and around the world. He noted that Churches around the City were joining in solidarity such as Mission San Juan, Mission San Jose, Mission Conception, and others. A moment of silence was observed.

1. The Invocation was delivered by Ryan Takao, River City Community Church, guest of Councilmember Courage, District 9.
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 Regular Meeting of March 19, 2020.

Councilmember Viagran moved to approve the March 19, 2020 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

CONSENT AGENDA

Mayor Nirenberg announced that Item 9 was pulled for Individual Consideration.

Mayor Nirenberg called upon the individuals registered to speak on the Consent Agenda.

Victor Zuniga, Vice Chair of the Ella Austin Community Center stated that Ella Austin had recently experienced a change in leadership and introduced Dr. Linda Cherry, Executive Director. He noted that the past Executive Director had served Ella Austin for 25 plus years. He added that Dr. Cherry had served on the Ella Austin Board and looked forward to her leadership and support of the endeavors and mission of Ella Austin Community Center. He noted that it was time to rediscover Ella Austin in 2020.

Willie Mitchell former professional football player with the Kansas City Chiefs spoke in favor of the Ella Austin Community Center. He noted that he grew up in the area and that San Antonio was his home. He added that Ella Austin provided a needed service to the children in District 2. Mr. Mitchell stated that the community needed to unite in the positive change which was going on in District 2, which was what the Ella Austin Community Center represented. He urged the Council to maintain and support the programs at Ella Austin.

Jack M. Finger spoke in opposition of Items 11, 12, and 14, and noted that he did not support affordable housing. He added that an Express-News article referenced the San Antonio Public Housing Trust which offered \$39 million in tax breaks to affordable housing units, but that the rent was still too high for most low-income residents.

Liz Franklin spoke in support of the Ella Austin Community Center. She noted that the center was needed to feed children that were struggling through food insecurities during the summer months. She added that Ella Austin needed to support additional children and urged the Council to support the community center. She stated that child care was an issue for many families and that the community center was needed in the District.

Costella Green representative of the West Care Foundation spoke on behalf of the Ella Austin Community Center. She noted that Head-Start Programs were designed to break the cycle of poverty and that teachers were needed at the center. She urged the Council to support the teachers, parents, and the children of Ella Austin.

Linda Bryant stated that she had been with Ella Austin Community Center for 26 years and that she was passionate about children. She noted that removing 16 slots at the center would impact children and urged the council to reconsider.

Dr. Linda Cherry stated that seven new teachers were hired and were being processed while background checks were being conducted; and 11 teachers were returning to Ella Austin. She pleaded with the Council not to downsize classrooms or staff.

Terrence Littlefield stated that he was a public-school educator for over 36 years. He noted that restructuring of Ella Austin was occurring under Dr. Cherry's leadership and urged the Council to support

the Community Center. He added that there were dynamics that needed to be taken into consideration as Ella Austin moved forward.

Johnny “JD” Delgado stated that his family owned six businesses in San Antonio and that all six closed recently due to COVID-19. He added that gyms were a medium risk and requested that they be allowed to open in certain capacities. He noted that he would take “appointments only” to control customer capacity. He added that obesity was a killer and gyms were needed to better the lives of his customers.

Councilmember Treviño noted that the public was frustrated and confused about COVID-19 and that there was a lot of uncertainty regarding the virus. He added that many folks have expressed fear and anxiety of the unknown virus. He stated that decisions that were being made by City Council were based on recommendations from health experts to keep the public safe and healthy.

Councilmember Courage moved to approve the remaining Consent Agenda Items. 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

2020-04-30-0291

5. Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$210,000.00, included in the respective department's FY 2020 Adopted Budget:
- (A) Lone Star Radiator Co. Inc. for radiator, fuel tanks, heater cores, coolers, and evaporator parts and services; and
 - (B) Big Truck Rental and Premier Truck Sales & Rental, Inc. for the rental of refuse trucks.
- [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2020-04-30-0292

6. Ordinance approving a 2019-2020 Task Order Contract for Storm Water Projects (Package B) with Pronto Sandblasting & Coating & Oilfield Services Co., Inc., in an amount not to exceed \$4,260,840.00 of which \$194,500.00 will be reimbursed by San Antonio Water System (SAWS) for necessary adjustments related to the construction, repair and maintenance of storm water related projects located citywide. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

2020-04-30-0293

7. Ordinance approving the sale of a strip of frontage from a City-owned property located at 1318 SE Loop 410 (City’s Southeast Service Center) within New City Block 12886 in City Council District 2 to the Texas Department of Transportation for a fee of \$146,197.00. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]
8. Approving the following items for the acquisition of four conservation easements and purchase of one property in the cumulative amount of \$4,949,187.76 for 340.651 acres located outside of the San Antonio city limits in Bexar County over the Edwards Aquifer Recharge and Contributing Zones: [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Homer Garcia III, Director, Parks and Recreation]

2020-04-30-0294

- 8A.** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge Zone on a 60.57 acre tract of land known as the Ann Graham Ranch located in Bexar County, Texas from the Ann M. Graham Living Trust, FBO Ann M. Graham/July 30, 2013, Ann M. Graham Trustee, at a cost of \$1,054,531.85 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program.

2020-04-30-0295

- 8B.** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge and Contributing Zones on an 86.072 acre tract of land known as the Chapman Ranch located in Bexar County, Texas from The DDC Family Limited Partnership No. 1 through its general partner, Chapman Properties LLC, at a cost of \$746,430.29, from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program.

2020-04-30-0296

- 8C.** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Recharge and Contributing Zones on an 87.46 acre tract of land known as the Gruendler Ranch located in Bexar County, Texas from Scott Gruendler and Maria Gruendler, at a cost of \$768,777.04 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program.

2020-04-30-0297

- 8D.** Ordinance approving the acquisition of a conservation easement over the Edwards Aquifer Contributing Zone on a 31.269 acre tract of land known as the Pack Property located in Bexar County, Texas from the George J. Muyres and Betty C. Muyres Living Trust, at a cost of \$318,516.89 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program.

2020-04-30-0298

- 8E.** Ordinance approving the fee simple acquisition of a 75.28 acre tract of land located over the Edwards Aquifer Contributing Zone and known as the Crane Bat Cave Property located in Bexar County, Texas from Tamir Enterprises, Ltd, through its general partner, T.R., L.C., at a cost of \$2,060,931.69 from Proposition 1 of the Edwards Aquifer Protection Sales Tax fund included in the FY 2020 - FY 2025 Capital Improvement Program.

2020-04-30-0300

- 10.** Ordinance approving a one year extension of the professional services agreement for investment consulting and investment training services with Patterson Capital Management LLC D/B/A Patterson and Associates for the first of two renewal terms beginning October 1, 2019 and ending on September 30, 2020. Funding for this extension is included and available in the FY 2020 Adopted General Fund Budget. [Ben Gorzell, Chief Financial Officer, Troy Elliott, Deputy Chief Financial Officer]

2020-04-30-0301

- 11.** Ordinance approving the issuance by the San Antonio Housing Trust Finance Corporation of its Multifamily Housing Revenue Bonds (Pan American Apartments) Series 2020 (the "Bonds") for

purposes of Section 147 (f) of the Internal Revenue Code and San Antonio Housing Trust Finance Corporation's organizational documents. An administrative fee of \$2,500.00, payable by the San Antonio Housing Trust Finance Corporation, will be deposited into the General Fund in accordance with the FY 2020 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

2020-04-30-0302

12. Ordinance approving the issuance by the San Antonio Housing Trust Finance Corporation of its Multifamily Housing Revenue Bonds (Artisan at Parkdale Apartments), Series 2020 (the "Bonds") for purposes of Section 147 (f) of the Internal Revenue Code and San Antonio Housing Trust Finance Corporation's organizational documents. An administrative fee of \$2,500.00, payable by the San Antonio Housing Trust Finance Corporation, will be deposited into the General Fund in accordance with the FY 2020 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

2020-04-30-0303

13. Ordinance approving publication of Notice of Intention to issue City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation in one or more series in a maximum aggregate principal amount not to exceed \$105,000,000; and providing for an effective date. [Ben Gorzell, Chief Financial Officer, Troy Elliott, Deputy Chief Financial Officer]

2020-04-30-0304

14. Ordinance approving the issuance of up to \$625,000,000 "City of San Antonio, Texas General Improvement Refunding Bonds" in one or more series and authorizing other matters incident and related thereto. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

2020-04-30-0305

15. Ordinance approving an agreement with Jonathan Luke Meyer for evaluation services related to the San Antonio Metropolitan Health District's Healthy Start Program in an amount not to exceed \$99,996.00, inclusive of three one-year renewals, with an initial term ending March 31, 2021 in an amount not to exceed \$24,999.00. Funding for the agreement is provided by the Healthy Start Program Grant. [Colleen M. Bridger, MPH, Ph.D., Assistant City Manager; Dawn Emerick, Ed.D, Director, Health]

2020-04-30-0306

16. Ordinance approving the continuation of the City Council approved Designation of Haven for Hope of Bexar County, Inc. as the eligible subrecipient for the Texas Department of Housing and Community Affairs for the Homeless Housing and Services Program for a two-year period from September 1, 2020 through August 31, 2022. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

CONSENT ITEMS CONCLUDED

ITEMS FOR INDIVIDUAL CONSIDERATION

Acting City Clerk Flores read the caption for Item 9.

9. Ordinance approving the submission of an application to the U.S. Department of Health and Human Services for the Early Head Start-Child Care Partnership Grant and acceptance upon award of up to \$2,847,532.00, a budget including an in-kind grant match of \$711,883.00, and revised personnel complements for the Head Start and Early Head Start-Child Care Partnership programs. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

Melody Woosley provided a presentation regarding the request for approval to submit a grant application for the program year 2021 Early Head Start Child Care Partnership Continuation Application. She noted that the proposed reallocation of 16 suspended enrollment slots from Ella Austin Community Center would be directed to the Healy Murphy Center and Blessed Sacrament Academy. She added that in 2015, the Texas Department of Health and Human Services awarded the Department of Human Services the grant to establish an Early Head Start Partnership Program. She noted that COSA partnered with six nonprofit childcare centers to expand access to high quality comprehensive services for 216 low income infants and toddlers. Ms. Woosley stated that Early Head Start promoted physical, cognitive, social, and emotional development.

Ms. Woosley noted that the proposed ordinance would allow a grant application submission with a total budget of \$3.6 million, which included \$2.8 million in Federal grant dollars with a local in-kind match requirement of 20% for the period August 1, 2020 to July 31, 2021. She added that the funding would be for operational cost and included a personnel complement of 16 positions and service provider contracts. She stated that the application was due May 1, 2020.

Ms. Woosley noted that the proposed application reduced Ella Austin's funded slots by 16, which equated to \$122,000 reduction of funding. She added that the grant required that 25% of enrolled children received childcare subsidy programs to fully fund the program. She recommended that eight slots go to the Healy Murphy Center and eight slots go to the Blessed Sacrament Academy. Ms. Woosley stated that the changes were needed to mitigate staff shortages and other non-compliance issues at Ella Austin. She noted that the Head Start Policy Council reviewed and unanimously approved the proposed action on April 14, 2020.

Councilmember Andrews-Sullivan made a motion to amend staff's recommendation to reinstate Ella Austin with 64 slots and to move the eight slots from Blessed Sacrament back to Ella Austin and move eight slots from Healy Murphy back to Ella Austin and for the comprehensive technical assistance team to assist Ella Austin for six months. Councilmember Sandoval seconded the motion.

Councilmember Rocha Garcia asked what the vote count was from the Head Start Policy Council. Ms. Woosley reported that there was a thorough review and unanimous vote. Councilmember Rocha Garcia asked if there were significant health and safety violations identified. Ms. Woosley reported that not having enough teachers in the classroom was a health and safety violation. Ms. Woosley noted that Ella Austin had hired four additional staff but that they were down to seven. Councilmember Rocha Garcia expressed concern for potential displaced staff if slots were cut.

Councilmember Rocha Garcia asked if the City had received Ella Austin's 2019 Financial Audit. Ms. Woosley reported that the City received the 2018 Financial Audit but not the 2019 Audit which was due September 2019. Councilmember Rocha Garcia asked why Ella Austin was categorized as "High-Risk" since May 2018. Ms. Woosley reported that "High-Risk Monitoring" meant that the City would review 100% of the invoices and the supporting documentation to ensure reimbursements were submitted

accurately. And purchases accounted for. Councilmember Rocha Garcia questioned the number of visits to Ella Austin by City Staff. Ms. Woosley reported that there had been 50 visits over a two-year period.

Councilmember Rocha Garcia asked Ms. Woosley to clarify the impact to current children at the Center. Ms. Woosley reported that there would not be an impact to current enrollment due to attrition which occurred when the three-year-old children move from Early Head Start to Pre-K. Ms. Woosley added that currently there are 26 children that are moving from Early Head Start to Pre-K or Head Start; of those 26 slots, 16 would be moved to other providers.

Councilmember Courage asked how many programs were going through Ella Austin Community Center. Ms. Woosley reported that the City funds the after school program and summer program through the General Fund. Councilmember Courage asked for the cost of both programs. Ms. Woosley reported \$90,000 annually. Councilmember Courage asked if there was a licensed child care facility at Ella Austin. Ms. Woosley reported that it was the Head Start Program.

Councilmember Courage asked if Ella Austin would be losing \$122,000 out of their budget and if they received additional funding from other sources. Ms. Woosley reported that the proposed action would redirect \$122,000 from Ella Austin to Blessed Sacrament and Healy Murphy. She added that the center funding came from the Early Head Start and Child Care Subsidy Program. Councilmember Courage asked who owned the building. Ms. Woosley reported that the building was owned by the City and leased to Ella Austin for either \$1 per year or \$10 per year at most and that Ella Austin could lease parts of the building and keep the revenue to support the maintenance of the facility.

City Manager Walsh reported that he recognized how important Ella Austin Community Center is to the neighborhood and that the City wanted to see the program be successful. He noted that the City needed to focus on providing assistance to the agency to help them be successful beyond monitored visits.

Councilmember Viagran asked Ms. Woosley to clarify the City's recommendation to shift slots to Blessed Sacrament and Healy Murphy. City Manager Walsh explained that the proposed action before City Council was to approve the Grant Application for the Head Start Global System. He noted that there are seven or eight different agencies that provided Head Start Services. He added that adjustments would be made to move 16 slots to two other agencies. City Manager Walsh explained that the shift of slots would allow DHS Staff time to work with Ella Austin.

Councilmember Viagran asked if DHS could potentially bring back those 16 slots to Ella Austin once they go through the technical assistance and training as suggested by City Staff. Ms. Woosley reported that it was a possibility and explained that the Child Care Subsidy Program was another option which was the parents' choice. She added that parents could select Ella Austin when they are approved for the Subsidy Program funding source rather than the Head Start Program.

Councilmember Viagran asked if Ella Austin's non-compliance would jeopardize the award of the City's Head Start Grant Application. Ms. Woosley reported that it could happen and if non-compliance issues were not corrected, the City was put in a situation where the monitoring, technical assistance, and training was completed but nothing changed at Ella Austin. She reported that it would signal system problems and impact the Grant.

Councilmember Andrews-Sullivan questioned the Audit of Ella Austin that was due in September and asked if Ella Austin was in the process of providing the Audit. Ms. Woosley reported that she met with Ella Austin staff in December and February regarding the Audit and that in both meetings Ella Austin

stated the City would receive the Audit in a few days. Ms. Woosley reported that her office had since requested the Audit on several occasions to no avail.

Councilmember Andrews-Sullivan asked if the Audit of Ella Austin was being completed by outside resources. Ms. Woosley reported that the Audit was a standard financial audit requirement of the grant. She added that Ella Austin must hire an External Independent Auditor to review their fiscal systems and organizational structure and provide a report to the City.

Mayor Nirenberg asked when Ella Austin Fiscal Year began. Ms. Woosley reported that it was August 1st. Mayor Nirenberg asked City Manager Walsh for alternatives since grant adjustments on the fly could be problematic and potentially jeopardize funding for the entire program. City Manager Walsh reported that the grant application for the entire program was due the next day. He added that City Staff would work with Ella Austin to rectify outstanding issues to include the September 2019 Audit submission to the City. City Manager Walsh noted that if the City was able to rectify all outstanding with Ella Austin Staff, City Staff, specifically DHS would work to bring back alternatives to City Council to make adjustments for the Ella Austin portion of the Head Start Grant.

Mayor Nirenberg stated that Ella Austin was important to District 2 and the entire community. He noted that San Antonio was known for their gold standard record with Head Start. He added that the City could not jeopardize the grant award. He stated that the City was committed to work with Ella Austin to ensure they met grant requirements to live up to the Head Start gold standard.

Councilmember Sandoval asked when the Head Start grant was due. Ms. Woosley reported that the grant application was due April 30, 2020. She noted that if awarded the grant funds would begin August 1, 2020 which is the beginning of the Head Start Fiscal Year. Ms. Woosley added that the grant was for five years and that it was renewed annually and expired July 31st of each year.

City Attorney Segovia stated that procedurally, City Council had an amendment on the floor by Councilmember Andrews-Sullivan. He added that if Councilmember Andrews-Sullivan decided to withdraw her amendment, the main motion could include staff recommendations but with direction to the City Manager to include alternatives to fill the gaps for Ella Austin to restore 16 slots.

Councilmember Andrews-Sullivan withdrew her Motion to amend City Staff recommendations.

Councilmember Andrews-Sullivan moved to approve Item 9 and direct the City Manager to include alternatives to fill the gaps for Ella Austin to restore 16 slots. 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

Acting City Clerk Flores read the caption for Item 4.

2020-04-30-0290

- 4.** Ordinance extending the current Declaration of Public Health Emergency issued by Mayor Ron Nirenberg to continue active preparedness and response for COVID-19 contingencies.

City Manager Walsh explained that Dr. Emerick would provide a high level overview of the next steps to the Heath Transition Report and the data and indicators that Metro Health collected, monitored, and

reported. He added that those indicators would be on the City's dashboard beginning Monday.

Mayor Nirenberg called upon the individuals registered to speak.

Diana Uriegas expressed concern for those that could not pay their rent due to being unemployed. She noted that the moratorium on evictions was expiring soon, and that many people stand to become homeless unless something was done to protect renters. She added that VIA buses ran on a Sunday schedule daily which caused problems for those needing more frequent VIA bus services.

Jack M. Finger spoke in opposition of Item 4 noting that no citations were issued at the Alamo protest at the Cenotaph. He added that he was concerned with large crowds gathering when Covid-19 cases were growing, and that enforcement was needed to curb large gatherings.

Adrian Lopez stated that he heard the treatment of Covid-19 was large doses of Vitamin C. He noted that Vitamin C was a promising prevention of Covid-19 and could be used to treat symptoms. He added that Vitamin C had been used since the 1930s and had been proven to help other health issues.

Dr. Dawn Emerick, Director of Metro Health provided an overview of the Health Transition Plan. She noted that due to the dynamic nature of infectious diseases, calculation of progress and warning indicators would be operationalized by the Unified Command of the San Antonio and Bexar County Emergency Operations Center. She added that team consisted of the San Antonio Metro Health District (Metro Health), San Antonio Fire Department (SAFD), and Southwest Texas Regional Advisory Council (STRAC).

Dr. Emerick noted that on Tuesday, the Health Transition Team released guidance on how to transition to a gradual opening of the City and County. She added that there are four progress indicators:

- Sustained decline in the number of new cases of Covid-19 ≥ 14 .
 - There is a delay between the date that the illness starts and the date the case is reported to Metro Health
 - Number of cases trending downward for at least 14 days
 - None of these indicators stand alone. All will be considered together to paint the complete picture.
- Ability to perform tests for the virus in all people with symptoms of Covid-19, their close contacts, and those in public facing roles.
 - Expansion of testing capacity from 1,600 to 3,000 by June 2020
 - Assess asymptomatic transmission
 - Collect specimens on targeted symptomatic populations
 - Conduct universal testing in congregate settings both symptomatic and asymptomatic
- Effective contact tracing capacity to identify all close contacts of people diagnosed with Covid-19 and offer testing to those for whom it is indicated.
 - Expand contact tracing staff to 175
 - Data integration
 - Scale contact tracing based on testing and positives
 - Expand mobile health technology, EMOCHA pilot
- Prepared healthcare system that can safely care for all patients, including sufficient hospital capacity, workforce, and PPE for healthcare workers.
 - Health systems stress
 - Normal

Dr. Emerick recognized the need for continued monitoring of the epidemic as the community gradually re-opened and proposed the following warning indicators as signs that increased public health safety measures may be needed:

- Decrease in the number of days it takes for the number of Covid-19 cases in our community to double (doubling time)
 - Prior to the Mayor's first Public Health Emergency Order, Metro Health had seen doubling every 3 days
 - Since implementation, averaged a doubling every 2.5 weeks
 - If Metro Health see trends indicating the current double time of 2.5 weeks is decreasing, then Metro Health will issue an initial warning
- Increase in the percentage of Covid-19 tests suggestive of active infection that are positive for Covid-19
 - The percentage of all lab tests that are positive (using gold standard RT-PCR tests) for Covid-19 (symptomatic)
 - Expect to see an increase in the number of positive cases due to expanded testing
 - If 14 day increase in positive cases, then Metro Health will issue an initial warning
- Increase in indicators of health system stress, such as reductions in personal protective equipment, hospital bed, or ventilator capacity, and increases in emergency medical system calls
 - Health systems stress
 - Severe

Dr. Emerick noted that Metro Health and STRAC would monitor the progress and warning indicators throughout all four phases of re-opening. She added that Metro Health would not determine the thresholds of and transitions to each phase. Dr. Emerick stated that enforcement of community mitigation strategies would continue with a team-based approach between Metro Health, DSD, and SAPD. Dr. Emerick provided a timeline from May 1st through June 30th and added that testing was 2,100, 2,600, and 3,000 for each respective month. She added that Metro Health would continue to scale EMOCHA as needed to include contact tracing staff and training as needed.

Andy Segovia, City Attorney provided a presentation on the 18th Governor's Executive Order regarding the reopening of services. He added that there was misinformation in terms of whether the City of San Antonio Emergency Orders were more draconian or run far afield from the Governor's Orders. Mr. Segovia reported that those claims were false and that the majority of states, cities, and counties have issued Emergency Orders following the same framework. He added that the framework had been established by guidance and direction from Federal Authorities. Mr. Segovia stressed that the City of San Antonio's Ordinance, the Bexar County Order, and the Governor's Order follow that framework.

Mr. Segovia stated that there were five elements to that framework: 1) Stay at home. 2) Limit social gatherings. 3) If you are going to leave home, it should be to engage in essential activity or essential services, and those essential services and businesses are based on guidance issued by Homeland Security. 4) If you engage in essential activities or essential businesses, you need to maintain social distancing and exercise the appropriate hygiene activity. 5) Active community outreach and active enforcement so that orders are being followed by the community. Mr. Segovia added that those five pillars have been promulgated within the State of Texas and Nationwide with a few exceptions.

Mr. Segovia described the exceptions noting that Mayor Nirenberg issued the Sixth Declaration which aligned with an order issued by Bexar County on April 29, 2020 and aligned with Governor Abbott's 18th Executive Order issued on April 27, 2020.

Mr. Segovia described the Governor's Executive Order 18 regarding the reopening of services as follows:

- Maintains framework of essential activity and businesses
- Phase 1 to begin May 1
- Gathering still limited to household (except for essential or reopened services)
- Essential services remain the same
- Some non-essential businesses now category of "reopened services"
- Businesses may reopen with 25% occupancy restriction
 - Dine-in restaurants, retail stores, movie theaters, restaurants, malls (food courts, play areas still closed), museums and libraries
- Not a requirement to open
- Businesses may independently require face coverings for customers
- Public facilities determined by local government
- Sole practitioners
- Golf courses

Mr. Segovia described the Governor's Executive Order 18 regarding the closed businesses as follows:

- Bars
- Gyms
- Public swimming pools
- Interactive amusement venues such as bowling alleys and video arcades
- Massage establishments
- Tattoo studios
- Piercing studios
- Cosmetology salons
- Barbershops

Mr. Segovia stated that prohibition continued regarding the visitation of nursing homes and minimized the movement of staff between facilities. He added the Governor discretion to impose restrictions in a county if a spike occurs. Mr. Segovia stressed the importance of and highly encouraged the use of face coverings noting that local entities were prohibited from imposing a civil or criminal penalty for failure to wear face coverings. Mr. Segovia added that the Governor's 18th Executive Order superseded only to the extent of a local order conflict.

Mr. Segovia noted the requirement that all COVID-19 tests be reported to Metro Health. He added that the order supported the Bexar County Order on evictions, which Judge Wolff had extended to May 18, 2020 in his order. He noted that the City added a provision that alerts the community to COVID-19 Antibody Testing that was being marketed recently. Mr. Segovia added that he was advising the community that if they were considering such a test; they be fully informed of what the testing entailed and was FDA approved.

City Manager Walsh stated that the City received direct allocations through the CARES Act and that San Antonio was one of six cities in Texas that received federal funding for Coronavirus expenses that were not budgeted for prevention and relief efforts. He added that the City of San Antonio was allocated \$270 million in total. He noted that the CARES Act provided \$150 billion to State, Local, and Tribal Governments throughout the Country. City Manager Walsh reported that the funds were limited to expenses not previously budgeted and cannot be used to fill budgetary gaps due to revenue losses. He reported that the City of San Antonio projected revenue loss across all funds, approximately \$180-\$190

million which included the Airport. He added that the City faced financial challenges for FY 2021. He noted that he was working with five other cities; Houston, Dallas, Fort Worth, Austin, and El Paso to provide information to Federal Representatives to advocate for flexibility in spending the funds to minimize the impact of revenue loss to San Antonio's budget. He added that the CARES Act specifically said funding cannot be utilized for revenue loss.

Councilmember Cabello Havrda asked if an individual with COVID came in close contact with another person; was that individual assumed to be positive for the Virus. Dr. Dawn Emerick reported that if the individual was exposed and exhibited COVID symptoms then they would be encouraged to get tested and self-quarantine for 14 days. Dr. Emerick added that additional factors to consider were contact tracing and if they had underlying medical conditions. Dr. Emerick noted that approximately 3,000 tests could be administered per day and that Metro Health was working to expand capacity of testing for COVID-19.

Councilmember Cabello Havrda requested clarification regarding face coverings in San Antonio's Sixth Declaration compared with Governor Abbott's Executive Order 18. City Attorney Segovia reported that the Governor's Order highly recommended that individuals wear a face cover over their nose and mouth when social distancing of six feet could not be maintained. He added that San Antonio's Order was essentially the same except local entities were not able to impose civil or criminal penalties.

Councilmember Cabello Havrda asked if gloves, masks, and hand sanitizer were fully stocked for the San Antonio Police and Fire Departments. Maria Villagomez, Deputy City Manager reported that City staff had ordered supplies, but the supply of goods was strained across the United States. Ms. Villagomez added that both Police and Fire Departments have a two month supply on hand and that orders placed are slowly delivered by suppliers. Ms. Villagomez reported that several organizations within the City had donated inventory such as hand sanitizer.

Councilmember Courage asked how many COVID-19 tests were conducted from all testing sites and entities in San Antonio prior to May 29, 2020. Dr. Emerick reported that the current average was 1,250 tests per day but that they had the capacity to test approximately 1,600 per day. Councilmember Courage asked if asymptomatic people were being tested. Dr. Emerick reported that Metro Health was doing some universal screening at high-risk nursing homes and focused on isolated outbreaks; but not for the general public.

Councilmember Courage questioned why or what was keeping us from conducting additional testing; was it due to people not being sick or not coming forward. Dr. Emerick reported that the capacity was currently at 1,600 tests per day due to the supply of tests. She reported that the vendors would not be able to scale up until mid-May. Councilmember Courage questioned the term EMOCHA and asked for the meaning. Dr. Emerick reported that it was a Health Technology Vendor that provided an application on a person's phone so that they can download information and input their symptoms into their phone; then the data is transmitted to Metro Health allowing staff to analyze. Councilmember Courage asked if San Antonio could conduct 15-minute testing. Dr. Emerick reported that she was reviewing that option.

Councilmember Gonzales asked if hospitals were performing non-essential scheduled surgery such as cataract surgery and if they were testing that individual for COVID-19 before the procedure. Dr. Emerick reported that it would be up to the hospital/healthcare system to implement their own policies. Councilmember Gonzales stressed the need to expand testing especially in areas with high rates of diabetes or other underlying health conditions.

Councilmember Viagran asked how many staff conduct contact tracing. Dr. Emerick reported that 17 staff and 70 volunteers had been trained but not all were active yet. Councilmember Viagran advocated

for an additional testing site to be located on the Southside. Councilmember Viagran complimented Councilmember Sandoval and team for adding progress and warning indicators.

Councilmember Viagran asked if gyms were to remain closed. City Attorney, Segovia reported that was correct but that gyms could conduct remote classes through video. Councilmember Viagran reported that there were a lot of scams in the community. She added that people were getting calls from scammers wanting to visit homes to conduct COVID testing, or scammers say their stimulus check was going to be direct deposited and the scammers ask for personal banking and/or social security information. Councilmember Viagran asked who the public can call if they received calls from scammers. Mr. Segovia urged the public not to provide their personal information, hang up the phone, and call the SAPD.

Councilmember Pelaez thanked Jeff Coyle and Sally Basurto for applying for the Federal Stimulus grant funds. He added that the City of San Antonio was awarded \$270 million grant to help recover from the City's projected revenue loss. Councilmember Pelaez added that there were thousands of City staff working behind the scenes delivering essential services to the community. He noted that Councilmembers were working seven days per week volunteering at the Food Bank, collecting clothes for shelters, and answering calls from constituents, small businesses, renters, and landlords.

Councilmember Pelaez recognized Jason Dady and Frost Bank for delivering 80 meals to the Prue Road Police Substation. He added that Bar-B-Cutie partnered with his District Office to deliver food to the V.A and that the Sons of Liberty Gun Works delivered food to other Police Substations. Councilmember Pelaez asked Councilmembers to consider waiving delivery fees or cap fees for food deliveries during the COVID crisis.

Councilmember Rocha Garcia asked what the term pre-symptomatic meant. Dr. Emerick will report back. Councilmember Rocha Garcia asked how the random 385 households would be selected for testing. Dr. Emerick reported that the study design had not been created yet and that research partners would be meeting with Dr. Anita Kurian to put together the hypothesis and study design.

Councilmember Rocha Garcia noted that the South Texas Blood and Tissue Center received its 100th unit of Plasma. She asked who was keeping track of that and what organizations were doing to work together regarding the results of Plasma donations. Dr. Emerick reported that Metro Health partnered with the South Texas Blood and Tissue Center which was the main entity doing the Plasma work. She added that once patients recovered from COVID, they are asked to donate Plasma.

Councilmember Rocha Garcia asked what Metro Health was doing to prepare for the second wave of COVID. Dr. Emerick reported that's what the indicators were for including all the front loading to be prepared including contact tracing. Councilmember Rocha Garcia expressed concern for those individuals that were in jail and tested positive for COVID and/or exhibiting symptoms. She asked if contact tracing was being conducted for all inmates that test positive for COVID. Dr. Emerick reported that Metro Health had a strong partnership with Bexar County and University Health Systems (UHS) which was the jail health provider and lead on testing jail inmates.

Councilmember Perry asked how much it would cost to expend contact tracing services and where those funds would come from. Dr. Emerick reported that the City received reimbursement grants from the Center for Disease Control (CDC) and that budget was being developed.

Councilmember Perry asked City Attorney Segovia if the proposed Ordinance which extended the current Declaration of Public Health Emergency was in line with the Governor's Decree. Mr. Segovia reported

that the proposed ordinance was consistent with the Governor's Order and that there were some gaps. He explained that the Governor did not address COVID-19 Antibody Testing but it was included in the proposed ordinance. Mr. Segovia added that San Antonio's proposed ordinance referenced the Governor's Open Texas Publication and followed the same model as the Framework outlined in the proposed ordinance.

Councilmember Perry noted that he was specifically looking for face coverings in the Governor's Order which noted that a Civil or Criminal Penalty would not be imposed on persons who do not wear cloth face coverings. He added that the Governor's Order further noted that persons should consider the health and safety of their neighbors as they leave their homes for essential activities. He noted that the Governor's Executive Order shall supersede any conflicting order issued by Local Officials in response to the COVID-19 Disaster. City Attorney Segovia reported that the superseding language does not prohibit local entities from issuing emergency orders. Mr. Segovia added that it superseded to the extent that if there was an inconsistency with essential business or inconsistency with reopening businesses. Mr. Segovia noted that the facemask coverings under the local orders were not directly related to businesses that were opened as essential or non-essential. He added that the proposed ordinance was consistent with what the Governor had laid out in terms of essential, non-essential, and reopened businesses.

Councilmember Sandoval requested a document that presented the information provided in Dr. Emerick's presentation. She added that the work was tremendously important for transparency and explained San Antonio's COVID-19 response actions going forward. City Manager Walsh reported that he would provide the report to City Council and the public. Councilmember Sandoval requested the following data be included:

- People recommended for testing such as congregations' settings and public facing individuals;
- Estimate of how many individuals were anticipated to be in that category and how that relates to the testing for 3,000 individuals;
- Who was tracking the PPE for the Healthcare Systems;
- How long will the incident command be in place, and what are the plans for that

Councilmember Sandoval asked if the plan was to increase testing soon and was Metro Health looking for the 14-day decline progress indicator. Dr. Emerick reported that Metro Health was looking at daily cases, the EPI curve, and the anticipated lag in cases as well as the onset of symptoms. Dr. Emerick added that Metro Health Epidemiologists had a keen sight on that and would report back to Council soon with an update. Councilmember Sandoval added that she had received calls from individuals wanting to volunteer with contact tracing. Dr. Emerick requested that those potential volunteers call the Hotline or call 311. Councilmember Sandoval requested that the names of the researchers working with Metro Health be provided within the presentations to the City Council.

Councilmember Sandoval asked about the EMOCHA App and questioned how they were selected. Dr. Emerick reported that they were selected based on White Paper and they were the only mobile Health Platform at the time. Dr. Emerick added that EMOCHA pivoted to COVID-19 contact tracing and their specialty was with the Healthcare Sector. She noted that no one was doing the general public at that time. Dr. Emerick reached out to the City's ITSD Department to determine if there was an opportunity to do a pilot for the General Public.

Councilmember Treviño expressed concern for seniors and requested that updates be specialized to include the senior population. He added that seniors were on fixed income and most impacted on change. He noted that seniors needed information on food distribution and services available to them. Dr. Bridger reported that drive through food distribution was available to seniors and if they could not drive, food

could be delivered to them.

Councilmember Treviño stated that he was concerned with people being displaced during this time of COVID-19. He added that nobody should be displaced during this crisis and that the public needed to be informed about tenant's rights, the right to counsel, the right to cure, and the eviction process. He added that he was grateful that the eviction moratorium was extended until May 18, 2020 and the JP Courts decided not to open until June 1, 2020. Councilmember Treviño expressed concern with property values further exacerbating renters as there were no protections for rental properties regarding appraised values.

Councilmember Andrews-Sullivan asked how or what was being done to record asymptomatic transmission and testing. Dr. Emerick reported that the only asymptomatic work being done was universal testing in congregant settings and were treated the same as positive results. She added that they were presumed positive unless a negative result came back. Councilmember Andrews-Sullivan asked if the only universal testing included nursing homes, first responders, and the jail population. Dr. Emerick confirmed that was correct and also included skilled nursing facilities, assisted living facilities, shelters for homeless, and street homeless. Dr. Emerick added that Metro Health Mental Health Unit was testing vulnerable and high-risk areas.

Councilmember Andrews-Sullivan asked when it comes to the City's Stay Home Work Safe extension, how did that compare with the Governor's lifting of the Stay Home Work Safe Order. City Attorney Segovia explained that the Governor outlined the framework in his Order and Re-Opening Texas Publication which encouraged people to stay home and limit social gatherings. Mr. Segovia added that the framework established structure of essential activities and essential services, social distancing, and mechanisms for enforcement. He noted the differences were primarily in terms of local provisions that addressed COVID testing and reporting.

Councilmember Andrews-Sullivan asked if the City Council limited large gatherings of the same family or same household for birthday celebrations or other family occasions. Mr. Segovia reported that the restriction on gatherings applied and 20-30 people at the same birthday party or celebration would violate the order in place. Councilmember Andrews-Sullivan asked if the same rules apply to religious congregations and worship services. Mr. Segovia reported that the Governor's Office provided specific guidance and instruction for places of worship outlined in the publication; he added that the City's Order followed the same framework.

Councilmember Andrews-Sullivan asked how the City was educating the public about COVID, the City's Order, and hygiene practices. Jeff Coyle, Director of Government and Public Affairs reported that his office has been doing promotions and public service announcements including social media posts and press releases.

Councilmember Sandoval requested clarification regarding the people within the same household as positive and if one person in the household tested positive was the entire household presumed to be positive or could they be tested and if the entire family was part of the testing count. Dr. Emerick reported that the family members were presumed to be positive but not included in the testing count.

Councilmember Sandoval asked if Rapid COVID Testing was still under evaluation. Dr. Emerick reported that Rapid Testing may have been redirected into Antibody Testing which was an urgent issue; and added that she will research and report back.

Councilmember Sandoval requested an explanation of the enforcement component of the proposed order

being considered and if staff were available to monitor businesses or if that would be complaint based. City Manager Walsh reported that it was complaint based and that the focus was an education approach first before a citation was issued.

Councilmember Gonzales asked if there will be a budgetary item associated with the proposed plan. City Manager Walsh reported that there will be, and those expenses were anticipated to be out of the federal money and not the City's General Fund Budget or existing funds. He added that budget component of the framework will be presented to City Council next week and will include expenses associated with testing and contact tracing.

Councilmember Pelaez asked Dr. Emerick to explain how some major retailers such as Walmart, CVS, Walgreens, and HEB have been able to remain open throughout the crisis and not experience any outbreaks of the COVID virus. Dr. Emerick explained that retail stores were faced-paced without a long duration of exposure and most customers were practiced social distancing and wear face coverings. She added that public-facing establishments had employees test positive, but they were quarantined, and their employee information was confidential and would not be disclosed to the public. Dr. Emerick noted that retailers were closing early, cleaning, and sanitizing their facility.

Councilmember Pelaez stated that when Governor Abbott conducted his press conference, he held up a document repeatedly as the rationale behind his order which reminded Councilmember Pelaez of Debbie Gibson 1995 Hit Song; the verse sung "I just want to know the reason behind the rhyme." He added that the reason behind the rhyme that the Governor cited in his order was unequivocal. Councilmember Pelaez added that the Governor said to avoid the spread of an outbreak, everyone must continue to follow the critical health guidelines and stay at home; people over 65 years should strictly adhere to all CDC Guidelines and wear face covering and stay six feet away from other people. He asked why the mandate without the enforcement. City Attorney Segovia reported that the Governor's Orders supersede Local Orders to the extent that they conflicted with his direction of essential businesses and reopened businesses. He added that the order was meant to accomplish the following three things:

- Reinforce to the community the importance of mitigating measures in terms of wearing a face covering
- Provide leverage to establishments and retail stores that wanted to implement their own policy prohibiting customers from going into their facility without a face covering
- Always rely first and foremost on voluntary compliance with requirements contained within the Order

Mayor Nirenberg thanked City Staff, Council Colleagues, and the community for focusing on the health of San Antonio's community and the ability to adapt and identify resources for crisis response and preparedness. He noted that the work will become more important over the next several weeks and months as the community gets back on their feet. He added that San Antonio would return to a post-crisis community and must not lose sight of the amount of teamwork the community has shown. Mayor Nirenberg stated that none of this could get done without the community practicing social distancing, staying home, wearing face covering, and caring for each other as we overcome the COVID crisis together. Lastly, Mayor Nirenberg recognized the Transitions Teams and Community Leaders serving on the teams for their collaboration and teamwork as the City worked through the COVID-19 crisis, response, and recovery in San Antonio.

Councilmember Cabello Havrda moved to approve and extend the Declaration of Public Health Emergency until May 19, 2020. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

AYE: 10 - Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, and Courage

NAY: 1 - Perry

CITY MANAGER'S REPORT

17. City Manager's Report

City Manager Walsh provided a revised Budget Calendar which included the Mid-Year Budget Adjustments proposed for May 28th, Mid-Year Budget Ordinance proposed for June 4th, and Five-Year Financial Forecast proposed for June 18, 2020. He added that the Council Goal-Setting Session were scheduled for June 26, 2020 whereby a new process called Trial Budget would be introduced and practiced this fiscal year. He noted that the idea was to balance the budget for what was known and provide the Council a complete picture of expenses and revenues.

City Manager Walsh provided an update on City Employees including Police and Fire that have tested positive for COVID-19; which was 19 City Employees total to date. He added that eight employees have recovered and returned to work, while 11 were recovering at home.

City Manager Walsh provided a video highlighting Mona and Louis Rios, both work with the Human Resources Department. He noted that they made face shields using 3-D printers on their own time and with their own resources. He added that Mona and Louis had nine printers and were also making face shields for Medical Offices.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting at 1:27 pm to convene in Executive Session.

- A.** Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B.** The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C.** Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D.** Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E.** Discuss legal issues relating to COVID-19 preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F.** Deliberate the appointment, evaluation, duties, discipline or dismissal of a public officer or employee pursuant to Texas Government Code Section 551.074 (personnel matters) and related legal issues pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting at 3:13 pm and announced that no action was taken in Executive Session.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 3:13 pm.

APPROVED

RON NIRENBERG
Mayor

Attest:

TINA J. FLORES
Acting City Clerk