

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



**Meeting Minutes
City Council B Session**

No in-person access to this meeting

Wednesday, January 13, 2021

2:00 PM

Videoconference

ROLL CALL

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

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

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

1. Briefing on the Coronavirus Response and Relief Supplemental Appropriations Act and the City of San Antonio's Federal Legislative Program for the 117th U.S. Congress. [Carlos Contreras, Assistant City Manager; Jeff Coyle, Director, Government & Public Affairs]

Jeff Coyle reported that House Resolution (HR) 133 was passed on December 27, 2020 and was a combination of the FY 2021 Federal Budget and the Coronavirus Relief and Supplemental Act (Relief Act). He stated that the Relief Act did not include additional direct funding for State and Local Governments however, funds would be received locally through numerous existing programs.

Mr. Coyle stated that the Relief Act included:

- \$13.9 million for vaccination activities
- Estimated \$6 million for emergency rental assistance
- Estimated \$8-10 million to mitigate impact on commercial air travel

- Estimated \$61 million to VIA for operational support
- \$1.5 billion to Texas for testing, tracing, and mitigation efforts
- \$120 billion for unemployment assistance
- \$3.2 billion for the Emergency Broadband Benefit Program aimed at low-income individuals
- \$13 billion in food assistance
- \$325 billion in support of small businesses
- Direct payments to all Americans earning less than \$75,000 per year and couples earning less than \$150,000 per year and an additional \$600 per child
- \$300 enhanced unemployment benefit through March 15, 2021
- Eviction moratorium extended through January 31, 2021

Mr. Coyle reported that development of the 117th Federal legislative agenda began in August 2020 with assistance from City departments, community entities, business entities, chambers, and educational institutions. He indicated that staff briefed the Intergovernmental Relations Council Committee on December 9, 2020 and the legislative agenda was tentatively scheduled to be presented to the City Council next week.

Mr. Coyle stated that the 117th legislative agenda included:

Coronavirus response and recovery

- Support for direct, flexible funding assistance to cities dealing with the ongoing health and economic community response
- Relief assistance for small businesses, restaurants and bars, tourism and hospitality, healthcare providers, and schools

Infrastructure modernization

- Support funding for modern and sustainable infrastructure for surface transportation, safe streets for all users, aviation, housing, parks, broadband and innovative approaches to help address urban mobility challenges

Workforce and Training

- Support funding for traditional and emerging workforce, education and training programs for youth, adults, and Veterans
- Support Federal partnerships to supplement and enhance the City's Ready to Work Program through funding opportunities and technical assistance and to establish San Antonio's workforce initiative as a national model

Housing assistance

- Support of affordable housing, home ownership programs, and foreclosure and eviction prevention programs
- Support funding increases to Home Investment Partnership Program (HOME), the Community Development Block Grant (CDBG) and other Federal grant programs

Broadband and digital inclusion

- Support for funding to expand broadband infrastructure, resident access to affordable broadband internet, access to devices, and digital literacy

Military protection

- Sustain and enhance JBSA and ensure the protection and preservation of JBSA's military missions
- Increase partnerships and pursue infrastructure funding through National Defense Authorization Act (NDAA)

Aviation improvements

- Support for increased and flexible Airport Improvement Program (AIP) funding
- Support for raising or eliminating the Passenger Facility Charge (PFC) cap of \$4.50
- Support congressional changes to the Perimeter Rule and/or Slot Rule in order to secure a non-stop flight from SAT-DCA
- Support for additional Coronavirus funding for airports and aviation partners, such as airport concessionaires and airlines

Health and Human Services

- Support for domestic violence prevention, substance abuse prevention, and treatment and homelessness prevention
- Support for congressional action on Deferred Action for Childhood Arrivals (DACA)
- Support for the Federal Refugee Resettlement Program

Housing and redevelopment tax credits

- Low-Income Housing Tax Credit (LIHTC) to help create affordable housing options
- Historic tax credits for restoration of historic buildings

Public safety improvements

- Support funding for public safety to enhance transparency, engagement and accountability, domestic violence prevention, anti-trafficking/anti-smuggling programs, Officer training programs, and equipment
- Support comprehensive legislation to increase firearm safety, and prevent gun violence

Homeland security and emergency preparedness

- Support funding for Urban Area Security Initiative (UASI), Regional Catastrophic Planning Grant Program (RCPGP), and Assistance to Firefighter Grant, and emerging FEMA programs

Community revitalization

- Support funding for the revitalization and redevelopment of main street business districts, public and green spaces, and Brownfield sites
- Support funding for the transition to renewable energy through clean energy standards
- Support for funding and reauthorization of the Historic Preservation Fund (HPF) to rehabilitate historic sites

Protection of municipal interests

- Support Federal regulations or legislation which would clearly benefit the City and community and oppose any regulations or legislation that would clearly be averse to the City's and community's interests

Councilmember Pelaez stated that the legislative agenda may have to be adjusted and the Intergovernmental Relations Committee stood ready to meet when necessary.

Councilmember Andrews-Sullivan asked if staff would advocate for more mental health clinics or mental health telemed. Mr. Coyle stated that funding was available for mental health and telehealth. He indicated that he would provide more details.

Councilmember Sandoval asked of funding for health. Dr. Bridger reported that a request to extend the Medicaid Waiver Program was submitted to the State and an effort was underway to seek Medicaid expansion for the State of Texas.

Councilmember Courage asked if funds from the State of Texas or the Federal Government would offset some of the City's General Fund commitments. City Manager Erik Walsh stated that pending a further stimulus, the City could reallocate expenses to put the City in the best financial position.

Councilmember Treviño spoke of examining the eligibility thresholds for housing assistance. He asked if the City would advocate for Housing First solutions. Mr. Coyle stated that the language in the legislative agenda would allow the City to pursue opportunities like that.

Councilmember Perry stated that the City needed to support local businesses now.

Councilmember Viagran asked of the additional funding from the State that would be received next week. City Manager Walsh reported that approximately \$3.5 million from the State would be directed to the Mercy Housing Program and the City would receive \$2.2 million from Bexar County which would be administered through the City's program.

Councilmember Rocha Garcia asked what other industries, beside the food and beverage industry, was the City focused on assisting. Alex Lopez reported that the City was also focusing on performance venues and retail sales. Assistant City Manager Carlos Contreras added that the City was focused on the tourism industry as well.

2. Small Business Economic Development Advocacy (SBEDA) Disparity Study:

Request for Proposal Pre-Solicitation Briefing. [Carlos J. Contreras, III; Assistant City Manager; Alejandra Lopez, Director, Economic Development]

Michael Sindon stated that the purpose of the SBEDA Program was to promote the use of local small, minority, and women-owned businesses on City contracts to cure documented racial and gender disparities found in previously adopted disparity studies. He reported that the City focused on this issue in 1988 when the Hispanic Chamber found that the City was utilizing 2% of local minority and women-owned businesses on city contracts. He indicated that as of 2019, the City was utilizing 50% of local minority and women-owned businesses on city contracts and approximately \$2.5 billion would be directly paid to local minority and women-owned businesses over the next decade through the program.

Mr. Sindon reviewed the following amendments made to the SBEDA Program in 2010 and 2016:

2010 Amendments

- Evaluation points based on prime certification
- Contract specific subcontracting goals
- Central Vendor Registry
- Goal Setting Committee
- Compliance module

2016 Amendments

- Expanded the use of evaluation points based on prime certification
- Expanded the use of contract specific subcontracting goals
- Self-performance of contract specific subcontracting goals

Mr. Sindon stated that the purpose of the disparity study was to compile and evaluate evidence of potential racial and gender disparities in a specified relevant marketplace. He indicated that the need for a disparity study was driven by the *Richmond v Croson* Supreme Court case in 1989 which ruled that for a government organization to have a race or gender-based contracting program the entity must meet their definition of strict constitutional scrutiny by demonstrating:

- Statistical evidence of disparities in the market area
- Anecdotal evidence of barriers to full and fair inclusion

Mr. Sindon reported that remedies must be “narrowly tailored” to that evidence and the industry standard was to conduct a disparity study approximately every five years to reevaluate the factors listed. He stated that staff recommended the release of a Request for Proposal (RFP) for a consultant which would evaluate City contracting data from 2014-2020 and other various public and private sector data. He indicated that the consultant would research if disparities existed in the following business ownership ethnic and gender categories:

- All minority and women combined
- Hispanic American
- African American

- Native American
- Asian American
- Women

Mr. Sindon noted that research would be broken down in the following business industry categories:

- All industries combined
- Professional Services
- Construction
- Other Services
- Architecture and Engineering
- Goods and Supplies

Mr. Sindon reported that the consultant would be asked to perform the following:

1. Define the relevant marketplace within which to conduct the study
2. Calculate custom availability of minority and women-owned businesses that were ready, willing, and able to do business with the City of San Antonio
3. Analyze minority and women-owned business utilization on City contracts
4. Determine any causation between disparities and discrimination
5. Determine if barriers exist through public and private practices
6. Analyze the effectiveness of current race-and gender neutral remedies
7. Recommend the suspension, continuation, or expansion of the SBEDA Program

Mr. Sindon stated that once a consultant was chosen, the disparity study would take approximately 18-24 months to complete. He noted that if the SBEDA Program was changed based upon the findings of the study, the process would be conducted after the disparity study was adopted by the City Council. He indicated that if the consensus was to modify the SBEDA Program the Economic Development Department would undergo a public engagement process with the City Council and the local small, minority, and women-owned business community to identify potential changes in alignment with the study.

Mr. Sindon reported that the estimated value of the RFP was \$800,000 and the proposed term was two years. He stated that it was important for the study to be completed in 18-24 months as the SBEDA Ordinance would sunset in 2023. He reviewed the outreach to be performed, the evaluation criteria, additional requirements, Goal Setting Committee Members, and Evaluation Committee Members. He noted that the RFP would be released on January 15, 2021 and the deadline was March 15, 2021. He added that the contract would be brought before the City Council on June 17, 2021 for consideration with a contract start date of June 18, 2021.

Mayor Nirenberg encouraged staff to gather feedback from the Small Business Advocacy Committee (SBAC) and the Economic and Workforce Development Committee and report back to the City Council. He asked of presentations made to the SBAC. Mr. Sindon reported that in November 2020, the SBAC received a similar presentation which was more in-depth.

Councilmember Andrews-Sullivan noted that this was an opportunity to review the registry and bridge

any gaps.

Councilmember Treviño asked if the City acknowledged those who were differently abled in the community to be involved in the study. Deputy City Attorney Ray Rodriguez stated that currently only race and gender were included in the study and societal discrimination was left to the Federal Government.

Councilmember Sandoval stated that she would support expanding the scope of the study to include differently-abled businesses. She asked if other entities had a Central Vendor Registry or utilized the City's Central Vendor Registry. Mr. Sindon stated other entities had Vendor Registries and the consultant would utilize different data sets in the disparity study. He added that the City's Central Vendor Registry was available to the public.

Councilmember Rocha Garcia stated that she previously inquired if Veterans and the disabled could be included within the business ownership category and was told that they could not. Mr. Rodriguez stated that data could be collected on different issues but the use of the data to bolster the SBEDA Program could present a legal risk to the City.

Councilmember Courage asked of the definition of local. Mr. Sindon stated that per the disparity study in 2015, local was defined as the San Antonio Statistical Area which encompassed Bexar County and the seven counties adjacent to Bexar County.

EXECUTIVE SESSION

- A.** Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B.** The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C.** Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D.** Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E.** Legal issues relating to COVID-19 preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- F.** Deliberate the security assessments or deployments relating to information resources technology, network security information or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices and related legal issues pursuant to Texas Government Code Section 551.089 (security devices and audits) and Section 551.071 (consultation with attorney).
- G.** Discuss the 2020 evaluation timeline and process for the City Manager, City Auditor, City Clerk, and Presiding Municipal Judge and any related legal issues pursuant to Texas

Government Code Section 551.074 (personnel matters) and Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg announced that the Executive Session would be carried over to January 14, 2021.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg recessed the meeting at 3:52 pm.

APPROVED

RON NIRENBERG
Mayor

Attest:

TINA J. FLORES
City Clerk