

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



**Meeting Minutes City
Council A Session**

Municipal Plaza Building
114 W. Commerce Street San
Antonio, Texas 78205

2023 – 2025 Council Members

Mayor Ron Nirenberg
Dr. Sukh Kaur, Dist. 1 | Jalen McKee-Rodriguez, Dist. 2
Phyllis Viagran, Dist. 3 | Dr. Adriana Rocha Garcia, Dist. 4 Teri
Castillo, Dist. 5 | Melissa Cabello Havrda, Dist. 6 Marina
Alderete Gavito, Dist. 7 | Manny Pelaez, Dist. 8 John
Courage, Dist. 9 | Marc Whyte, Dist. 10

Thursday, December 7, 2023

9:00 AM

City Council Chambers

The City Council convened a regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at 9:09 AM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 11 – Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

ABSENT: None

PROCEDURAL

1. Invocation

The invocation was delivered by Pastor Robert Bennett of Madison Hills Baptist Church, guest of Councilmember Whyte, Council District 10.

2. Pledge of Allegiance

Mayor Nirenberg led the assembly in the Pledge of Allegiance.

3. Councilmember Cabello Havrda will be sworn in as Mayor Pro Tem for the period of December 7, 2023 through February 21, 2024.

City Clerk Debbie Racca-Sittre swore-in the Mayor Pro-Tem.

POINT OF PERSONAL PRIVILEGE

Councilmember Viagran recognized the service of Marise McDermott, President & Chief Executive Officer of the Witte Museum who was retiring after 20 years. Mayor Nirenberg, Councilmembers Kaur, McKee-Rodriguez, Rocha Garcia and Alderete Gavito thanked McDermott for her service.

Councilmember Kaur recognized the 85th Anniversary of Adelita's Tamales & Tortillas which was founded by Beatrice and Robert Borrego, Sr in 1938 originally named El Popo Tortilla Factory. Mayor Nirenberg thanked the family for their legacy and recognized San Antonio as a UNESCO Creative City of Gastronomy. Councilmembers McKee-Rodriguez and Alderete Gavito spoke in support of the recognition.

Councilmember McKee-Rodriguez honored the life of local filmmaker and owner of Alamo City Studios Kerry Valderrama and invited his family to speak.

Councilmember McKee-Rodriguez honored the life of Coach James Palmer and invited his family to speak.

Councilmember Rocha Garcia recognized the work of Dr. Lorraine Pulido who was recently elected Chair of the Board of Directors for the Brooks Development Authority. Mayor Nirenberg and Councilmembers Viagran, Cabello Havrda, Alderete Gavito and Pelaez spoke in support of the recognition.

Councilmember Cabello Havrda honored the life of Dr. Leonard Lawrence, Chair of the San Antonio Area Foundation Board and invited his family to speak.

Councilmember Pelaez announced that Clear Channel Communication had offered free billboards promoting community awareness of domestic violence for one year.

ACTION ITEMS FOR STAFF BRIEFING

2023-12-07-0892

4. Ordinance approving an increase of 4.25 percent to the CPS Energy Electric and Gas Base Rates (System Average) effective February 1, 2024; Tariff Amendments to implement the rate adjustments; and amendments to the Affordability Discount Program for Qualifying Low-Income Customers; and authorizing a regulatory asset for pension and OPEB expenses. [Erik Walsh, City Manager; Ben Gorzell Jr., Chief Financial Officer]

Chief Financial Officer Ben Gorzell recommended approval of the Item and introduced Rudy Garza, President and CEO of CPS Energy who provided an overview of the FY 2025 Rate Request. Garza opened his presentation by thanking the Board of Trustees for approving the Rate Request earlier in the week and introduced Cory Kuchinsky, Chief Financial Officer of CPS Energy.

Kuchinsky summarized the FY 2025 Rate Request which would raise an additional \$85 million in

revenues to meet community needs. He reported that the base rate increase was 4.25% and would result in an average residential bill impact of \$4.45 per month and customers in the Affordability Program would be impacted by about half that amount. He added that the rate increase would be used to increase reliability and resiliency, improve technology, grow the utility system and support additional staff.

Kuchinsky provided an overview of the engagement and outreach CPS Energy made to the community. He stated that Affordability Discount Programs (ADPs) would be enhanced with the new rate. Kuchinsky explained that the regulatory asset for accounting was a change in accounting procedures to ensure that the costs were recovered in rates aligned with actuarially calculated cash contributions to employee benefits plans. He stressed that the regulatory asset update required City Council authorization, however, the change did not increase the cost of employee benefits nor increase customer bills. He noted that the Rate Request included a proposed increase of 4.25% for FY 2025 and up to 5.5% in FY 2027.

PUBLIC COMMENT:

Terry Burns, Jack Finger, Diana Lopez, Betty Eckert, Aaron Arguello, Debra Ponce, Selina Garcia and Basseema Aboussad spoke in opposition to the Item.

Joe Irizarry with the North San Antonio Chamber of Commerce, Peter Onofre, Member of the Rate Advisory Committee (RAC), Jeff Webster with the Greater San Antonio Chamber of Commerce and Martin Gutierrez with the Hispanic Chamber of Commerce spoke in support of the Item.

DISCUSSION:

Mayor Nirenberg thanked CPS Energy and the City Council for their dialogue regarding the rate, noting that CPS Energy was a publicly owned asset that needed to be sustainable and able to meet demand. He mentioned that while no one wanted to pay more, however, the rate increase was needed to keep our electricity reliable.

Councilmember Alderete Gavito commented that it was important for residents to have reliable energy and residents participating in the ADP would receive an additional discount under this rate proposal, however, she proposed raising the income eligibility for affordability programs so more residents could qualify. Garza committed that the CPS Energy Board would review the ADP and Residential Energy Assistance Partnership (REAP) eligibility to make sure vulnerable populations were not left out.

Councilmember Courage proposed that secure, adequate and reliable energy was important for all residents and confirmed that no staff bonuses would be funded with the increase, therefore, he supported the rate increase as it would help meet community needs and expectations. However, he did not support future rate increases at this time and recommended future discussions on those.

Councilmember Whyte noted that while energy reliability was important, it was also important to ensure efficiency of our utility system and our city government. He stated that San Antonio had high poverty, wages were stagnant, inflation and interest rates were up, so he did not think this was the right time for a rate increase. Councilmember Whyte read a letter from Bexar County Commissioner Grant

Moody who requested that the City find the \$85 million through the City's Budget so that it would not impact non-city residents.

Councilmember Whyte proposed to cut the rate increase in half and to cover the balance from the City's Budget. Councilmember Whyte moved to amend the rate from 4.25% to 2.125% contingent upon CPS Energy Board approval by February 9, 2024.

Councilmember Rocha Garcia thanked community members and CPS Energy for providing input. She cited the City Charter which required the Public Utility Supervisor to assemble facts, determine the proper rate increase and report to the City Council annually. Councilmember Rocha Garcia noted that the City Council could request information from CPS Energy at any time and recommended more regular updates to the City Council including an annual report from the Public Utility Supervisor as required by the City Charter. City Attorney Andy Segovia asserted that the City Charter was not being violated. City Manager Erik Walsh stated that both utilities had come before City Council three to four times a year which met the requirements.

Councilmember Rocha Garcia recommended more outreach related to the affordability and assistance programs so that vulnerable residents would be aware of and be able to access help. Garza committed to developing a creative outreach campaign.

Councilmember Cabello Havrda commented that CPS Energy had made its case that a rate increase was needed to ensure reliability of energy for our residents, but it needed to be affordable. She noted that she had submitted a CCR to open the dialogue regarding how to keep the utility affordable but was comfortable that staff and CPS Energy had made recommendations and improvements to affordability programs for vulnerable populations.

Councilmember Cabello Havrda argued that the growth of our city, our education and health institutions were reliant on energy and the road map for our future was needed and asked if only half of the rate requested would be sufficient. Garza stated that CPS Energy recommended a 4.25% increase as the minimum of what was needed and any less would not allow the company to make the investments included in the rate proposal. Gorzell clarified that the proposal included CPS Energy getting all the money it needed with half of it coming from the City which would mean a reduction in City services.

Councilmember Pelaez noted that public officials had a duty to serve the community and make difficult decisions and asserted that no one wanted a rate increase, but the problem also included ensuring that our electricity was reliable and sustainable while providing other city services. He also expressed concern that medical and other critical infrastructure was vulnerable to cyber-attacks, so upgrades were necessary to keep systems safe.

Councilmember Kaur commented that CPS Energy was looking out for residents to ensure energy was reliable and affordable which was a difficult balance. Councilmember Kaur suggested that increased demands generally resulted in increased rates but noted that there were vulnerable families that needed access to ADP and other affordability programs. Councilmember Kaur asked about the amount of the average bill and recommended an expansion of the affordability programs. Kuchinsky stated that the average bill was \$164 and the ADP bill was half the average.

City Manager Walsh clarified that within the first 90 days of 2024, the City along with CPS Energy would review the affordability program and develop a plan to sign up more residents as there were many that were eligible, but did not access those programs.

Councilmember McKee-Rodriguez requested rate reform that disincentivized higher usage, real and extensive conversations with the community to build trust, and hire a consumer advocate that would review rate requests from the customer's perspective and not just the needs of the utility. He expressed concern for residents living paycheck to paycheck who might be hurt by the rate increase, so he supported the reduced rate increase proposed by Councilmember Whyte.

Councilmember Viagran asked if the rate could be increased only by 2.125% now and the remainder implemented in the City's FY 2025 Budget in October 2024. Segovia clarified that the City Council could not make rates contingent upon a future City Council action. Councilmember Viagran highlighted that CPS Energy had made significant changes in its leadership, operations and finances that would make the utility more efficient. She expressed concern that taking additional money from the City's Budget would ensure that only San Antonio residents paid CPS Energy system costs because it would be their money that subsidized the reduced rate.

Councilmember Viagran requested an update on the implementation of new technology from CPS Energy in February 2024 when the rate change would become effective. Garza stated that he would share the ERP upgrade schedule, but noted that it was a complex five-year program. Councilmember Viagran noted that there was no good time to raise rates but suggested that there should have been more community dialogue.

Councilmember Castillo thanked residents for providing input today including those who drew parallels to lack of electricity in Palestine during the Hamas – Israel war. Councilmember Castillo noted that even though there were some excellent affordability programs, even those customers who participated in the programs were still energy burdened. She recommended a tiered rate structure that ensured higher energy users paid more.

Councilmember Castillo supported reducing the proposed rate increase under Councilmember Whyte's amendment. She stated that while wages were rising, she commented that it was due to new higher wage earners moving in not real wage growth for our longtime residents.

Councilmember Courage noted that reducing the rate request by \$42.5 million was compounded over time and would make the next increase larger or further burden the City's Budget long term because it was not a one-time subsidy. He expressed concern that reducing the City's Budget would adversely impact public safety and other city services and make only the citizens of San Antonio cover the costs of CPS Energy which would subsidize out of town customers. He noted that the rate increase was less than \$0.15 per day and was needed for CPS Energy to continue to grow and be a reliable source of energy.

Councilmember Alderete Gavito commented that her plan would protect vulnerable and elderly persons by adding more eligible residents to the ADP and REAP Programs while protecting the infrastructure, and this proposal could not be funded with only half of the rate increase. She added that we could not afford to cut basic city services such as police, street maintenance and animal care in

order to subsidize CPS Energy with City funds.

Councilmember Pelaez asked Garza to explain which systems were impacted by winter storm Uri. Garza stated that all power sources could be impacted but generally, in the wintertime, solar production was expected to be reduced due to shorter days, however, solar contributed to the ability of CPS Energy to be able to sell its excess energy off-grid and stressed that diversification was crucial.

Councilmember Pelaez asked if CPS Energy would still be able to upgrade its technology and improve security with only half of the rate increase. Garza mentioned that the 4.25% rate increase would help leverage equity. Kuchinsky added that technology upgrades would need to be funded with borrowed money and interest rates would be less stable without the proposed 4.25% rate increase.

Councilmember Whyte reminded CPS Energy that they had reported at B Session that the ERP would be upgraded regardless of the rate increase. He suggested that working together would mean the City would also pay as well as the customers under his proposal. City Manager Walsh clarified that under the two-year balanced budget the additional money was already planned to be spent on the second-year funding of Police Officers and other programs and noted there was not \$90 million in unallocated funds.

Councilmember Castillo asked if CPS Energy was currently protected from cyber-attacks and whether increases would ensure no rolling blackouts. Garza stated that CPS Energy was vulnerable to cyber-attacks and could not shore up the entire Texas grid. Councilmember Castillo requested clarification on the breakdown of costs and whether roads were being subsidized by utilities.

Councilmember McKee-Rodriguez stated that he would not support an amendment if it meant later that the City would have to cut its social programs and noted that even though Councilmember Whyte was proposing the money to be made up by City funds, that was not a part of this vote, and he clarified that the vote was only to reduce the rate to 2.125% rather than 4.25%.

Councilmember Kaur explicitly commented that the proposal would put the heavier burden on the backs of residents of the City of San Antonio as the customer base of CPS Energy was larger than just San Antonio.

Mayor Nirenberg noted that even with the rate increase, CPS Energy was still the most affordable in the State, with the understanding that the residents of San Antonio were cost-burdened and there was a need to stretch every penny to help them and make their lives better. Mayor Nirenberg assured his colleagues that, as a member of the CPS Energy Board, the 4.25% was the bare minimum that was needed to make up for the historical underinvestment in personnel, security and infrastructure.

Mayor Nirenberg stated that the City scrutinized its budget annually but needed to balance the needs of the community. He noted that it was important to rate the outcomes against the necessary investment.

Councilmember Viagran recommended more dialogue with the community and suggested a review of rates more often so the increases could be incrementally smaller.

Mayor Nirenberg requested that the affordability program realignment be covered in a B Session in March 2024. Segovia clarified that there was no contingency on the vote approving the rate increase requiring changes to the affordability programs; the motion was to approve the 4.5% rate increase without conditions.

Councilmember Whyte moved to Amend to reduce the proposed rate increase from 4.25% to 2.125% contingent on CPS Energy Board of Directors approval by Feb 9, 2024.

Councilmember McKee-Rodriguez seconded the motion The motion failed by the following vote:

Aye: McKee-Rodriguez, Viagran, Castillo, Cabello Havrda, Whyte

No: Nirenberg, Kaur, Rocha Garcia, Alderete Gavito, Pelaez, Courage

Councilmember Alderete Gavito moved to Approve. Councilmember Courage seconded the motion The motion prevailed by the following vote:

Aye: Nirenberg, Kaur, Viagran, Rocha Garcia, Cabello Havrda, Alderete Gavito, Pelaez, Courage

No: McKee-Rodriguez, Castillo, Whyte

CONSENT AGENDA

Purchase of Services, Supplies and Equipment

5. 2023-12-07-0893

Ordinance approving a contract with FarrWest Environmental Supply, Inc., to provide the San Antonio Fire Department with handheld portable mass spectrometers, aero module, and radionuclide identification devices for a total cost of \$136,982.25. Funding is from the Homeland Security 2022 State Homeland Security Program Grant administered by the San Antonio Office of Emergency Management. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

6. 2023-12-07-0894

Ordinance approving a contract with Facilities RX, LLC, to provide moving services for City departments on an as-needed basis, beginning upon award and ending June 30, 2026, with two, one year renewal options for an estimated annual cost of \$276,797. All expenditures will be in accordance with each Department's adopted annual budget approved by City Council. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

Councilmember Kaur highlighted her support for the Item.

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur

seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

7. 2023-12-07-0895

Ordinance approving a contract with Bud Griffin & Associates - San Antonio, LLC, to replace computer room air conditioning (CRAC) units for the City of San Antonio's Data Center for a total cost of \$997,924.98. Funding is from Tax Notes and included in the FY 2024 - FY 2029 Capital Improvement Program. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

8. 2023-12-07-0896

Ordinance approving a contract with SA Smart Solutions, LLC, for the installation of glow step strips at the Alamodome for a total cost of \$270,838.89. Funding is from the Hotel Occupancy Tax Fund and included in the FY 2024 - FY 2029 Capital Improvement Program. [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

Capital Improvements

9. 2023-12-07-0897

Ordinance approving two funding agreements related to Mitchell Lake Audubon Center: (1) funding to the National Audubon Society in an amount up to \$6 million for the design and construction of improvements at the Mitchell Lake Audubon Center; and, (2) funding to the San Antonio Water System in an amount up to \$265,000 for the design and construction of the Mitchell Lake Audubon Center Entrance Gate. Funding of \$6 million is from the 2022 General Obligation Bond Program, and \$265,000 is from Certificates of Obligation and included in the FY 2024 – 2029 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Viagran highlighted her support for the Item.

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello

10. 2023-12-07-0898

Ordinance approving a construction contract with Jerdon Enterprise, L.P. in the amount of \$999,222.22 for a Citywide Bike & Pedestrian Mobility Improvements project located at Fredericksburg Road (IH-10 to Balcones Heights). Funding of \$799,377.78 is from Texas Department of Transportation federal funds and \$199,844.44 is from 2017 General Obligation Bond funds included in the FY 2024 – FY 2029 Capital Improvements Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

11. 2023-12-07-0899

Ordinance approving a construction contract with E-Z Bel Construction, LLC in the amount not to exceed \$7,859,489.15, of which \$144,900 will be reimbursed by San Antonio Water System for necessary adjustments to their existing infrastructure related to the construction of Floyd Curl Drive (Huebner Road to Charles Katz). Funding is from the 2022 General Obligation Bond Program included in the FY 2024 – FY 2029 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

PUBLIC COMMENT:

Dick McNary with the San Antonio Medical Center Alliance spoke in support of Item 11.

DISCUSSION:

Item 11 and 12 were discussed together so all comments are listed on Item 11 in the minutes.

Councilmember Viagran expressed concern that EZ Bel Construction had not performed quality work nor were they responsive to residents on projects in Council District 3. She asked whether the Responsible Bidder Ordinance included responsiveness to residents. Segovia stated that a history of poor performance was documented by the scoresheet which included a score for overall community responsiveness. Councilmember Viagran noted that the project in Council District 3 was negatively impacting small businesses and residents with sewage flooding, parking and staged equipment on private property which was a concern. Councilmember Viagran warned Council District 8 of the concerns about the contractor. City Manager Walsh stated that it was completely unacceptable for contractors or city employees to direct resident concerns to the City Councilmember.

Councilmember Pelaez implored EZ Bel Construction to ensure high quality service on their next project and moved to approve Items 11 and 12 with the assurance that they would respond to resident and business complaints in a timely manner.

Councilmember McKee-Rodriguez asked if EZ Bel Construction had projects in Council District 2. Contractor representatives stated that they were constructing N. New Braunfels Street.

Councilmember Courage noted that there was a project in Council District 9 where EZ Bel Construction came in and saved the project after the previous contractor failed.

Councilmember Viagran expressed concern that the contractor was more responsive to the north side than the south side.

Councilmember McKee-Rodriguez noted that EZ Bel Construction had performance issues on the N. New Braunfels St. project.

Assistant City Manager Rod Sanchez pointed out that these were both low-bid contracts and EZ Bel Construction qualified as a responsible bidder.

Councilmember Pelaez moved to Approve. Councilmember Courage seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, Rocha Garcia, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

No: McKee-Rodriguez, Viagran, Castillo

12. 2023-12-07-0900

Ordinance approving a construction contract with E-Z Bel Construction, LLC in the amount of \$4,559,750.75, of which \$3,635,800.60 will be funded by the Texas Department of Transportation, \$14,000 will be reimbursed by San Antonio Water System, and \$1,000 will be reimbursed by CPS Energy for the Hamilton Wolfe Cycle Track Project. Funding of \$908,950.15 is from previously authorized General Obligation Bond funds and included in the FY 2024 – FY 2029 Capital Improvements Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Pelaez moved to Approve. Councilmember Courage seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, Rocha Garcia, Cabello Havrda, Alderete Gavito, Pelaez, Courage, Whyte

No: McKee-Rodriguez, Viagran, Castillo

13. 2023-12-07-0901

Ordinance awarding the 2024 Task Order Contract for Pavement Markings Package C in an amount not to exceed \$4,567,921.00 to M&M Striping and Power Washing, LLC for completion of roadway pavement markings located citywide. Funding is from the General Fund, the Advanced Transportation District Fund, and the Neighborhood Access and Mobility Program included in the FY 2024 – FY 2029 Capital Improvements Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works Department]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

14. 2023-12-07-0902

Ordinance awarding the 2024 Pavement Preservation Package 10 – Base Repair Task Order Contract to J & P Paving Co., Inc., in an amount not to exceed \$2,791,427.35, of which \$20,375 will be reimbursed by San Antonio Water System and \$4,950 will be reimbursed by CPS Energy for necessary adjustments to their existing infrastructure. Funding is from the General Fund and the Advanced Transportation District Fund included in the FY 2024 – FY 2029 Capital Improvements Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

15. 2023-12-07-0903

Ordinance approving three contracts with Alpha-Terra Engineering (Alpha-Terra), Atlas Technical Consultants LLC (Atlas), and Professional Services Industries, Inc. (PSI) to provide asbestos, lead, and mold consulting services related to capital improvement projects located citywide for a total of \$4,875,000. Each agreement is for an amount not to exceed \$975,000 for a three-year term with an option to renew for up to two additional one-year extensions at \$325,000 per extension for a total amount not to exceed \$1,625,000 per contract. Funding is from the 2022 General Obligation Bond Program and included in the FY 2024 - FY 2029 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works Department].

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

Acquisition, Sale or Lease of Real Property

16. 2023-12-07-0904

Ordinance approving a lease agreement with Signature Flight Support, LLC for three Hangars located at 1115 Paul Wilkins at the San Antonio International Airport for an initial term of five years generating an annual rent of \$900,936.65 which will be deposited into the Airport Operating and Maintenance Fund. [Jeff Coyle, Assistant City Manager; Jesus Saenz, Director, Aviation]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the

motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

17. 2023-12-07-0905

Ordinance amending the Antenna License Agreement between TEGNA, dba KENS-TV, and the City of San Antonio to extend the term for five years, commencing on January 1, 2024, and expiring on December 31, 2028. Total revenue of \$215,020 will be deposited into the General Fund. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations Department]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

Miscellaneous

18. 2023-12-07-0906

Ordinance approving an agreement with PMI Staffing Services, LLC to provide skilled staffing for the audio-visual needs of the Alamodome on an as-needed basis for an estimated annual cost of \$150,000. The term of the agreement is for three years, with two additional one-year renewal options. Funding is from event proceeds. [Alejandra Lopez, Assistant City Manager; Patricia Muzquiz Cantor, Executive Director, Convention & Sports Facilities]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

19. 2023-12-07-0907

Ordinance amending the First Amended and Restated Baseball Stadium Facility Lease Agreement with the SA Missions Baseball Club, LLC and appropriating funds for the Stadium Improvement Plan in the amount of \$307,016, of which \$89,711 will be appropriated from Wolff Stadium Building Fund and \$217,305 will be appropriated from Wolff Stadium Renewal & Improvement Fund. [Alejandra Lopez, Assistant City Manager; Patricia Muzquiz Cantor, Executive Director, Convention & Sports Facilities]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

20.

2023-12-07-0908

Public hearing and ordinance approving the Fiscal Year 2024 Service and Assessment Plan, the Fiscal Year 2024 Assessment Roll, approving the levying of a special assessment and maintaining the Assessment Rate for Fiscal Year 2024 at 1.25% of the gross hotel room revenue subject to local hotel tax that is derived from an individual room rental of qualified rooms, for the San Antonio Tourism Public Improvement District. [Alejandra Lopez, Assistant City Manager; Patricia Muzquiz Cantor, Executive Director, Convention & Sports Facilities]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

21.

2023-12-07-0909

Ordinance authorizing a contract with Linebarger Goggan Blair & Sampson, LLP for delinquent property tax collection services for an initial five-year term beginning January 1, 2024 and ending December 31, 2028, with one, five-year renewal option, for an estimated fee of \$15,000,000. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

Jack Finger spoke in opposition to the Item.

Councilmember Pelaez highlighted his support for the Item.

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

22.

2023-12-07-0910

Ordinance approving a contract with VHS San Antonio Imaging Partners L.P, to provide chest x- rays with radiology reports for the San Antonio Fire Department in an estimated annual amount of \$12,092 for a three-year term with two, one-year renewal options, for a total estimated cost of \$60,460. Funding is from the General Fund. [Maria Villagomez, Deputy City Manager, Charles N. Hood, Chief, Fire Department]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

23.

2023-12-07-0911

Ordinance approving an agreement with Ascend Nonprofit & Business Solutions, LLC for grant writing services for the San Antonio Metropolitan Health District in an amount up to \$50,000 for a term ending November 30, 2024, with the option to renew for three, one-year terms, for a total amount up

to \$200,000, inclusive of renewals. Funding is from the CDC Strengthening U.S. Public Health Infrastructure, Workforce, and Data Systems Grant. [Erik Walsh, City Manager; Claude A. Jacob, Director, Health]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

24. 2023-12-07-0912

Ordinance authorizing the City Manager or his designee to purchase a Stop Loss Insurance Policy through Blue Cross Blue Shield of Texas to cap the City's risk at a \$1,200,000 deductible per individual City Civilian and Uniformed Employees, non-Medical eligible Civilian Retirees and dependents enrolled in the City's medical insurance plans. The term of the policy is for claims incurred and paid during the 12 months beginning January 1, 2024, and ending December 31, 2024. Funding for the premium amount of \$1,010,362 is from the Employee Benefits Insurance Fund FY 2024 Adopted Budget. Funding of \$189,638 is contingent upon City Council approval of the FY 2025 Budget. [Ben Gorzell, Jr., Chief Financial Officer; Renee Frieda, Director, Human Resources]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Kaur seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Kaur, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello
Havrda, Alderete Gavito, Pelaez, Courage, Whyte

25. CONTINUED

Ordinance restating the rules and procedures for the scheduling and consideration of items at City Council and committee meetings. [Andy Segovia, City Attorney]

Councilmember Castillo pulled the Item from the Consent Agenda for individual consideration. She cited that the original Ordinance required the items to be placed on the next Governance Committee agenda by the City Clerk and this one seemed to be less clear. Councilmember Castillo noted that the new Ordinance contained language stating that the Governance Committee could kill an item and read the following from the new Ordinance: Section 4 (d) iv which stated 4. Once on that agenda, the Governance Committee will take one of the following actions: d) Vote to remove the CCR from further consideration for the following reasons: (iv) The Governance Committee determines for policy reasons that the action should not be recommended to the full City Council, e.g., the costs associated are not consistent with Council budget priorities, etc. The motion was seconded by Pelaez.

Segovia clarified that the proposed Ordinance would allow discretion of the Governance Committee.

Councilmember Castillo recommended a B session on the Item to further discuss since there were five Councilmember signatures on a Council Consideration Request (CCR) memo and only Councilmembers Rocha Garcia, Cabello Havrda, Manny Pelaez and Courage (besides the Mayor) sat on the Governance Committee.

Councilmember Castillo asked if the new Ordinance removed the three-signature memo process to call for a Special Session. Segovia stated that the City Charter allowed the signatures of three members to call for a Special Session and the Ordinance did not speak to that process.

Councilmember Castillo moved to amend the proposed Ordinance by removing Section 4 (d) iv. The motion to amend was seconded by Councilmember Pelaez.

Mayor Nirenberg suggested that there could be a B Session to further discuss but clarified that any committee could remove an item from further consideration.

Councilmember Whyte stated that the process was broken because CCRs were taking too long to get put on the Governance Committee agenda, if at all. He noted that therefore, the Ordinance was meant to streamline the process. Councilmember Whyte agreed and supported discussing that any committee was charged with taking action which could include removing the Item from further consideration.

Councilmember Viagran moved to refer the Item to the full City Council to discussion in a B Session no later than February 2024.

Mayor Nirenberg clarified that no Ordinance took away any of the Councilmember's rights established in the City Charter or by State Law.

Councilmember Whyte reiterated that the City Council was not following its own rules even though Segovia stated that City Council was able to make and modify its own rules at any time. Councilmember Whyte recommended following the written rules to promote transparency.

Councilmember McKee-Rodriguez supported the review of the process in B session and wanted to ensure that the Chair of the Committee could not simply kill a CCR by refusing to place an Item on the agenda.

Councilmember Pelaez noted that he found out last night that one of his CCRs had been killed and therefore, supported a robust discussion on the process.

The motion to refer to B Session took precedence over both the amendment and main motion to approve.

Councilmember Castillo withdrew her motion to remove Section 4 (d) iv noting all issues would be discussed in the B Session.

Councilmember Whyte moved to Continue. Councilmember Cabello Havrda seconded the motion. The motion by the following vote:

Councilmember Castillo moved to Amend to remove Section 4.D.4 from the Ordinance. Councilmember Pelaez seconded the motion. The motion by the following vote:

Councilmember Viagran moved to Refer to B Session on a date no later than February 2024. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Castillo, Alderete Gavito, Courage, Nirenberg, Kaur, McKee-Rodriguez, Viagran, Cabello Havrda, Pelaez, Whyte

City Manager's Report

26. City Manager's Report

Due to time constraints, the City Manager did not provide a report.

Executive Session

Mayor Nirenberg recessed the meeting into Executive Session at 1:35 p.m. to discuss the following:

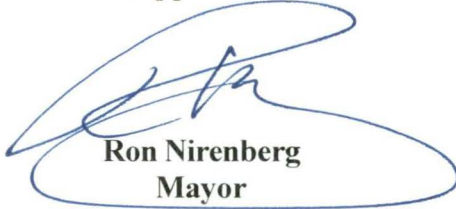
- A. Economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- B. The purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property).
- C. Legal issues related to litigation involving the City pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Legal issues related to emergency preparedness pursuant to Texas Government Code Sec. 551.071 (consultation with attorney).

ADJOURNMENT

Mayor Nirenberg reconvened the meeting in Open Session at 2:42 p.m. and announced that no official action had been taken in Executive Session.

There being no further discussion, the meeting was adjourned at 2:42 p.m.

Approved



Ron Nirenberg
Mayor



Debbie Racca-Sittre
City Clerk