

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



**Meeting Minutes
City Council Special B Session**

Municipal Plaza Building
114 W. Commerce
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, August 1, 2024

9:00 AM

Council Briefing Room

The City Council convened a Special B Session in the Municipal Plaza Building beginning at 9:02 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

ITEMS

1. Briefing and discussion regarding propositions that may be placed on a Charter amendment ballot for the November 2024 election. [Andy Segovia, City Attorney]

City Attorney Andy Segovia introduced the Item by noting that on November 14, 2023, Mayor Ron Nirenberg reconstituted and charged the Charter Review Commission (CRC) with reviewing the City Charter to identify potential amendments for specific areas. CRC Members were Elva Pai Adams, Josh Baugh, Luisa Casso, Frank Garza, Mike Frisbie, Pat Frost, Martha Martinez-Flores,

Naomi Miller, Bobby Perez, Shelley Potter, Dwayne Robinson, Dr. Rogelio Saenz, and Maria Salazar. He stated that the CRC had 12 meetings between December 2023 and May 2024, as well as 10 community presentations with 183 public comments collected. He added that following the six months of review and public comment, CRC Co-Chairs Bonnie Prosser Elder and David Zammiello presented their recommendations to the City Council on June 5, 2024.

Segovia reported that on July 15, 2024, Mayor Nirenberg suggested a B Session to reach further consensus on a framework for a subsequent A Session agenda Item to include propositions that could be placed on a ballot for the November election. He noted that recommendations based on the work of the CRC and the last City Council discussion resulted in the following six propositions enumerated by letters A through F in accordance with State Law:

- Proposition A: One ethics-related proposition that included 1) A high-level definition of “conflicts of interest,” 2) Require sufficient funding for the Ethics Review Board (ERB) to fulfill all duties, 3) Remove term limits for ERB members, and 4) Increase ERB discretion to refuse or accept complaints that have otherwise been resolved.
- Proposition B: Revising the language of the City Charter to account for outdated and superseded provisions.
- Proposition C: Granting City Council the authority to set the full terms of the City Manager’s employment including tenure and compensation.
- Proposition D: Removing the prohibition on municipal political activity for City employees, explicitly defining clauses to protect employees against political retribution and maintaining the municipal political activity prohibition for City executives.
- Proposition E: Setting the compensation for a City Council member to \$58,000 annually and the compensation of the Mayor to \$73,000 annually, with annual adjustments correlated to the City of San Antonio’s household area median income (AMI) as defined by the United States Census Bureau’s American Community Survey.
- Proposition F: Restructuring City Council’s service to two, four-year terms, maintaining the current term limit of eight years. However, potential changes to the City Charter would ensure that no current Councilmember would be limited to less than eight years of potential services by the shift to four-year terms.

Segovia concluded his presentation by stating that the City Council was scheduled to order the City Charter election at its A Session meeting on August 8, 2024, to meet the Monday, August 19, 2024, statutory deadline for ordering a November election.

Mayor Nirenberg thanked the CRC and its Co-Chairs for their review and consideration of public input and for developing consensus. He also thanked the community for providing input. Mayor Nirenberg encouraged his City Council colleagues to discuss the proposed City Charter Amendments, come to a compromise, and finalize them in preparation for ordering the election. He noted that the term limits were one of the items that lacked consensus during the last meeting, and he encouraged discussion related to this.

Councilmember Rocha Garcia thanked the CRC for their work. She agreed with adding a definition of conflicts of interest to the City Charter and ensuring sufficient funding for the ERB but did not support the removal of term limits for the ERB. Councilmember Rocha Garcia supported removing outdated and superseded language noting that she had voiced this concern many times. She also supported giving the City Council the full authority to hire, fire, and set the pay for the City Manager, suggesting that this could help improve the City's bond rating. City Manager Erik Walsh explained that the driving factor in 2018 for the negative impact on the bond rating was related to the fire union collective bargaining agreement removing the City Council's authority through the binding arbitration clause and not the City Manager's compensation or tenure.

Councilmember Rocha Garcia supported the recommendations for Proposition D, E and F. She supported investment in our youth for the future in education and training and backed the Mayor's suggestion that the City Manager review and recommend enhanced investments in youth.

Councilmember Courage requested clarification on the leadership and administration of the ERB and whether the CRC had discussed an entity separate from the City Council. Segovia stated that the Chair of the ERB Board was supported by the City Auditor and City Attorney. Assistant City Attorney Camila Kunau stated that State Law prohibited the City Council from establishing a board or position that was not under the control and direction of the City Council.

Councilmember Courage asked how Proposition B would protect employees from retribution for involvement in political campaigns. Segovia stated that there would be specific language in the Proposition and the City Charter prohibiting coercion or retaliation against employees for non-participation.

Councilmember Courage wanted to ensure that no Councilmember's term was extended beyond the 8-year term limit and asked how this could be implemented for those already serving for six years. Segovia stated that the language would allow a Councilmember to potentially be in office for ten years or some current Councilmembers could end up being limited to six years due to them recently being elected or only being eligible for two more years. Councilmember Courage suggested staggered four-year terms or even staggering terms for those with two years remaining. Segovia stated that the CRC opposed staggered terms and Interim Assistant City Manager John Peterek clarified that there was a specific dialogue about keeping the Mayor's election at the same time as all Councilmembers since Mayoral elections had a larger voter turnout. Councilmember Courage still suggested staggered terms. Mayor Nirenberg expressed concern that council districts that were not on the ballot with the Mayor would suffer low voter turnout.

Councilmember Courage noted that City Council was elected to develop policies and priorities and worked with 42 departments as well as having oversight of the Airport, SAWS, and CPS Energy and felt that that the huge commitment of time, energy, and thought deserved a higher salary noting that early recommendations were much higher and he mentioned that Bexar County Commissioners were paid over \$100,000.

Councilmember McKee-Rodriguez thanked the members of the CRC and the members of the public who provided comments including AFSCME who proposed allowing all employees to participate in political activity. He also thanked members representing youth services and supported funding for youth services but wanted to ensure the work of the ISDs was not diluted

by Charter Schools.

Councilmember McKee-Rodriguez commented that campaigning for office was a year-round activity for him and he felt it was in line with serving the community. Councilmember McKee-Rodriguez noted that the Council District 2 seat had significant turnover historically and suggested that four-year terms would help alleviate voter fatigue. Councilmember McKee-Rodriguez supported an increase in City Council pay but suggested that the ballot should not set Mayor and Councilmember salaries at a certain number but rather contextualized against the area median income or another index.

Councilmember Alderete Gavito supported Propositions A, B, C, and D. However, She did not think Councilmembers should serve more than 8 years and a special election should be called instead of having 10 years; she supported staggered elections. Co-Chair of the CRC, David Zammiello noted that the 10-year term would only exist during the transition period moving forward to not short-change current Councilmembers.

Councilmember Cabello Havrda thanked the members of the CRC for their work noting the focus had been on City Hall operations as a result of the Mayor's charge. She supported the City Council having authority over the City Manager's salary and length of services as well as City Council term limits and requested data on the impact of not having a Mayoral race on voter turnout. She noted that the minimum wage in San Antonio was \$7.25 per hour and had been for 15 years and did not feel that it was appropriate to raise City Council salaries. She fully supported allowing City employees to participate in political campaigns.

Councilmember Cabello Havrda asked what funding for the ERB would look like and suggested if the voters were going to be asked to support this notion, they should know how much it cost. Segovia stated that the CRC wanted the ERB to be assured of having the resources necessary to carry out their duties. Councilmember Cabello Havrda did not support removal of term limits for ERB.

Councilmember Cabello Havrda noted these were important changes to the City Charter and lamented that this was a missed opportunity to address other issues such as the City's relationship with CPS Energy and SAWS. She proposed adding a City Charter amendment to add two elected positions to each of the utilities' boards to ensure diverse representation, accountability, and transparency. Additionally, Councilmember Cabello Havrda proposed adding a City Charter amendment to the ballot that called for changing the City Attorney's reporting structure and recommended that the City Attorney's position report directly to the City Council or that the City Council had their own legal counsel.

Mayor Nirenberg reminded the City Council that they needed to limit their comments and discussions to focus only on the Items identified on the agenda memo.

Councilmember Whyte supported Propositions C and D; however, he did not support increasing City Council pay. Councilmember Whyte did not support increasing City Council terms from two to four years so that residents would not be stuck with a representative for four years; he added that the two-year terms would allow for more accountability, however, if it went to four years, he supported staggered terms.

Councilmember Whyte noted that while the CRC did a great job, the City Council did not set the charge for the CRC, it was set solely by the Mayor. He commented that transparency and accountability were crucial to democracy and suggested that the City Attorney should report directly to the City Council as a step toward accountability. Mayor Nirenberg reminded Councilmember Whyte that he needed to stay on topic.

Councilmember Viagran acknowledged the public request for establishing funding for youth within the City Charter and supported further discussion but committed to funding youth services within the upcoming Budget process. Councilmember Viagran supported most of Proposition A but did not support removal of term limits for the ERB. She supported Propositions B, C, and D. Councilmember Viagran recommended setting the Mayor and City Council salary based upon AMI rather than a set amount to be equitable and adjust to the cost of living in San Antonio. She proposed 80% AMI for Councilmembers and 100% AMI for the Mayor.

Councilmember Viagran suggested either staggering elections or calling special elections to keep the eight-year term limit for all. She questioned whether voter turnout would be impacted by not having a mayoral election on the ballot. Councilmember Viagran thanked the CRC for their work and suggested that if there were other City Charter amendment issues outside of the ones on the agenda, those would need to be considered for review by a future CRC.

Councilmember Kaur supported the City Council pay Item but asked why a family of three was selected for the AMI calculation. Interim Assistant City Manager Peterek stated that three family members met the definition of a “household” within the U.S. Census’ American Community Survey. Councilmember Kaur suggested that City Council pay was important to ensure diversity on the City Council and to ensure that Council members could be fully committed to the work and not focused on outside jobs.

Councilmember Kaur supported the four-year term limit to allow the City Council to focus on the work of governing and supported staggered terms. She suggested that the mayoral seat could be a two-year term so that there was a mayoral election each time. She supported Councilmember Cabello Havrda’s proposal to have an elected board representative on each of the SAWS and CPS Energy Boards.

Councilmember Kaur supported funding youth services but noted that there were other services the City provided that impacted youth such as sidewalks to get to schools. She asked if the City could implement a fiscal policy focused on intersections with youth. City Manager Walsh stated that the discussion on the Budget and City Council priorities and policies were appropriate to be held during the upcoming Budget Work Sessions which kicked off in June of this year with the Goal Setting Session.

Councilmember Castillo supported Proposition A but did not support removal of term limits for the ERB. She supported updating outdated language but asked if the special called meeting process by a memo signed by three Councilmembers was also being updated. Segovia stated that the language related to special meetings would not change.

Councilmember Castillo agreed there was an advantage for council districts that were on the ballot

with the mayoral seat and did not think staggered terms would be equitable. Councilmember Castillo suggested tying the City Manager's salary to the lowest paid employee provided an incentive for the City Manager to ensure that the lowest paid employees received salary increases so she did not support changes to that section.

Councilmember Castillo suggested tying the City Council compensation to the United States Department of Housing and Urban Development AMI not the proposed index. She supported more education and investments in youth, noting that housing and relocation also were investments in youth within our current Budget so she suggested a reframing of the current Budget. Councilmember Castillo also expressed concern that providing tax abatements hurt our local school districts.

Councilmember Cabello Havrda noted this was the first opportunity the City Council has had to bring up other issues related to the City Charter and insisted that her issues were germane to the conversation.

Councilmember Courage thanked the CRC for their work but noted that it was up to the City Council to make final recommendations and set the ballot. He supported Proposition C as the City Manager carried out the policies set forth by the City Council and wanted the City Council to have authority to set the compensation and terms for the City Manager. He supported keeping the City Attorney under the City Manager to safeguard against political influence.

Councilmember Courage commented that the AMI for the San Antonio Metropolitan Statistical Area (SAMSAs) was \$83,000 and the median income was between \$61,500 and \$68,300 so he suggested that the proposed amounts were too low. He noted that this would not impact him personally as this was his final City Council term and suggested that those Councilmembers who were lawyers with other sources of income were the ones not wanting to raise salaries of the City Council. Peterek noted that the AMI used by the CRC was just for the San Antonio city limits while the SAMSAs included other counties and cities such as New Braunfels.

Councilmember McKee-Rodriguez commented that the charge of the CRC was set by the Mayor and the members of the CRC were appointed by the Mayor and felt that Councilmembers should have had more input and noted that the recommendations from the CRC might have been very different if Councilmembers had been able to weigh in on the charge or the membership. Councilmember McKee-Rodriguez did not support removing term limits for the ERB.

Councilmember McKee-Rodriguez commented that a Councilmember who believed the City Council pay was too high could decline his/her own salary. He supported the annual indexing of City Council pay. Councilmember McKee-Rodriguez noted that there were two Councilmembers eligible for only one more term so those Councilmembers could have a special election for the second half of the four-year term.

Councilmember Viagran requested clarification on the transition period for Councilmembers. Segovia clarified that the transition period would only impact those council districts that would have either a six- or ten-year limit based upon the timing of the election. She suggested more discussion on staggering of the terms but expressed concern with cost, including the cost of a Mayoral election every two years. City Clerk Debbie Racca-Sittre stated that elections cost

about \$800,000 each and a runoff election could cost as much or more than a General Election. Councilmember Viagran requested the AMI numbers. City Manager Walsh stated that he would provide all requested information in a memorandum.

Councilmember Pelaez thanked staff and the CRC for their work. Councilmember Pelaez stated that these issues were not on top of mind of most of his residents, however, the request to include additional Items in the discussion was successful based on public comment noting that Proposition D was not a part of the original charge. He commented that this should be a long, thorough process with significant discussion and felt transparency had been achieved. Overall, he supported the recommendations from the CRC and the revisions presented by Segovia.

Councilmember Castillo expressed concern that staggered terms would result in a reduced number of polling sites. She supported the work of the American Federation of State County and Municipal Employees (AFSCME) to advocate for the rights of employees to participate in the political process.

Councilmember Whyte commented that most of the amendments would not vastly improve resident's daily lives and suggested the charge from the Mayor should have included more consideration of the improvement of lives for our residents.

Councilmember Rocha Garcia asked when the discussion would begin regarding youth. Mayor Nirenberg explained that the proposal was to carve out 20% of the City's future revenue growth for youth which was not advisable in a year when there was a Budget deficit. He also explained that the community proposal removed control of the City Council over the City's Budget and created a new council for youth. He suggested that there were other taxing entities that served or should serve youth and that the City's allocations for housing and job training also improved the lives of youth.

Councilmember Rocha Garcia stated that the loudest voices at the CRC meetings were the youth and asked how fast this could be done. City Manager Walsh committed to reviewing existing programs and analyzing the investment to let City Council have an in-depth discussion. Councilmember Rocha Garcia suggested a dedicated Budget Work Session for the discussion of youth program funding for FY 2025. She did not support any outside group having budgeting authority over the City as this was a key function of the City Council.

City Manager Walsh committed to providing a memorandum to City Council tomorrow with follow-up information.

Mayor Nirenberg concluded that the plan was to reach consensus and order the election at next Thursday's A Session.

Councilmember Whyte requested clarification as to whether there would be an opportunity to amend the proposition language presented. Segovia stated that there was no action for today, but City Council could make amendments to the recommendations during the A Session on August 8, 2024.

EXECUTIVE SESSION

Executive Session was not held.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 10:54 a.m.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**