

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



**Meeting Minutes
City Council B Session**
Council Briefing Room City Hall
100 Military Plaza
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

Wednesday, January 15, 2025

12:30 PM

Council Briefing Room

The City Council convened a B Session meeting in the Council Briefing Room beginning at 12:34 PM. 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 Update on the Edwards Aquifer Protection Program [David W. McCary, Assistant City Manager; Homer Garcia III, Director, Parks and Recreation]

City Manager Erik Walsh introduced the Item and Homer Garcia, Director of the Parks & Recreation Department (PARC) who acknowledged the attendance of Dr. Francine Romero, Chair of the Conservation Advisory Board (CAB) as well as representatives from San Antonio Water System (SAWS), the Edwards Aquifer Authority (EAA), and former Councilmember Bonnie Connor who also served on the CAB. Romero offered to be a resource on the Edwards Aquifer Protection Program

(EAPP) and thanked the staff for a well-run program and City Council for their support.

Grant Ellis, Natural Resources Manager with PARD provided background on the Program which had begun in the 1970's when interested stakeholders began campaigning to protect the Edwards Aquifer which was the City's primary source of drinking water. He noted that the purpose of the EAPP was to protect the quality and quantity of water recharging into the Edwards Aquifer through land acquisition and conservation easements. Ellis reported that EAPP activities were overseen by the CAB.

Ellis explained that the Edwards was a karst aquifer, meaning it was made up of porous, soluble limestone rock which allowed water to flow through it like a system of underground streams and channels. He stated that the aquifer naturally regenerated when water flowed through specific zones via an elaborate network of recharge features such as fractures, fissures, and sinkholes. Ellis explained that the water flow pattern in the aquifer was west to east which made acquisition of land in counties west of Bexar advantageous to the aquifer such as Uvalde and Medina Counties which is where approximately 165,000 acres had been protected.

To assist the EAPP with land identification and acquisition, Ellis stated that two groups were established: the Scientific Evaluation Team (SET) which was a science-based advisory group responsible for determining the weighting matrix for the Geographic Information System (GIS) spatial model used to rank properties and a Land Acquisition Team (LAT) that assisted with the negotiation of acquisitions and helped coordinate necessary due diligence and reported on the availability of property to the CAB. He noted that the LAT was comprised of EAPP staff and two non-profit conservation organizations: Green Spaces Alliance of South Texas and The Nature Conservancy.

Ellis described SET as a science-based advisory group responsible for determining the weighting matrix for the GIS spatial model used to rank properties based on: water resources, biology, property size, and location. He explained the EAPP Property Evaluation Process. He reported that SET Members included: PARD, Edwards Aquifer Authority, US Department of Agriculture, San Antonio River Authority, San Antonio Water System, Texas Parks & Wildlife Department, US Fish & Wildlife Service, US Geological Survey, and Southwest Research Institute.

According to Ellis, there were two acquisition strategies: (1) Conservation easements and (2) Fee Simple ownership. He reported that 95% of property interests acquired by EAPP were conservation easements; and 5% Fee Simple acquisitions. He stated that under the conservation easement, landowners retained ownership and certain land use rights, but gave up future development rights limited to one half of one percent of total square footage for future development.

Ellis indicated that a landowner was compensated 30 to 50% of fair market value as established by appraisal and all acquired properties were monitored on an annual basis by the City and Edwards Aquifer Authority (EAA) staff under an Interlocal Agreement.

Ellis stated that the CAB consisted of representatives from the following: PARD Director, COSA Parks Advisory Board, EAA, Greater SATX, San Antonio River Authority (SARA), SAWS, Texas Parks and Wildlife Department, Medina County, and Uvalde County. He showed a map of acquired properties and a chart of counties where they were located.

Approved funding programs, according to Ellis, were \$325 million in Sales Tax Propositions: Proposition 3, approved by voters in 2000, and Proposition 1 effective from 2005 through 2015. He noted that the sales taxes were fully committed in FY 2023 which included \$10 million for 11 water quality projects; anticipated to be fully expended in FY 2026. Ellis reported that in September 2020, City Council approved a 10- year plan through a Municipal Facilities Corporation in the amount of \$100 million; to date \$30 million had been appropriated and \$6.5 million was uncommitted. He stated that \$798,000 was expended to protect 650 acres in FY 2023, \$13.4 million was expended to protect 5,710 acres in FY 2024, and \$9.3 million was expended to protect 2,732 acres in FY 2025.

Ellis estimated that \$32.65 million had been leveraged from national and State sources. For FY 2025, he stated that \$10 million was approved in the Adopted Budget for acquisitions. Ellis noted that the plan was to continue to target properties over the sensitive Recharge and Contributing Zones in accordance with Program funding emphasizing important watersheds and working to connect existing protected lands and fill in the gaps. Ellis closed his presentation by highlighting the recent acquisition of Woot Cavern.

DISCUSSION:

Mayor Nirenberg thanked staff for their work and recognized the work of former Mayor Howard Peak who passed away recently related to aquifer protection. Mayor Nirenberg suggested that there was more leveraged funding than reported and hoped that the EAPP would remain a priority for future leaders of our City noting that today was Candidate Filing Day for the May 3, 2025 Municipal General Election. He urged future leaders to ensure that the safety and security of our water supply remained a top-tier priority for funding and resources as the Edwards Aquifer remained the primary source of drinking water for our community which was not only a quality-of-life issue but an economic issue. He noted that we were approaching the 200,000-acre mark and most of it was Uvalde County because that was where our water came from since the aquifer flowed west to east.

Councilmember Castillo noted this was one of the City's most vital programs and she was pleased that the Program would continue acquiring properties, however, she expressed concern about development of property in close proximity to the aquifer and suggested more use of Low Impact Development (LID). Ellis clarified that this was a voluntary Program and the properties protected through the Program were required to benefit the quality and quantity of the aquifer, therefore, the focus was on the recharge and contributing zones.

Councilmember Castillo commented that SAWS had updated their impact fees around Loop 1604 and asked if CPS Energy had done the same.

Councilmember Courage felt that the City Council made the right move in 2020 to change the funding source of the Program in order to try to ensure stability. He thanked the Greater Edwards Aquifer Alliance (GEAA) for their support and acknowledged the work of Susan Courage.

Councilmember Cabello Havrda noted that water was critical to our health and economy. She was grateful to work alongside Bonnie Conner in the past and for the work of non-profits as well as residents. Councilmember Cabello Havrda asked whether the target area would include consideration of park land. Ellis provided a map of the SET prioritized properties. Councilmember Cabello Havrda was pleased that there was

a master plan.

Councilmember Alderete Gavito agreed with the Mayor that protecting our water was critical for future leaders. She asked how development over the aquifer affected flooding and the water supply. Ellis stated that whenever property was developed, there would be more runoff and less water flowing into the aquifer, however, through the EAPP, the amount of development was limited to one half of one percent of the total property acquired through the Program.

Councilmember Whyte agreed that the Program was important. He asked if there were any State Legislative initiatives that were relevant to the EAPP. Ellis stated that in 2004, State Legislation was modified to allow cities to purchase conservation easements outside of Bexar County, however, he was unaware of any newly proposed legislation. Councilmember Whyte assumed that the property owners were at the forefront of any negotiations. Ellis stated that only interested property owners were engaged as the Program was voluntary.

Councilmember Kaur suggested that communication was one of the biggest challenges to the Program as many people were unaware of it and there was a great fear that we would run out of water. She asked if there was a quantitative analysis as to how much water could be preserved with each acre protected and suggested that this could impact the offer made to landowners. Ellis stated that many landowners were heritage agricultural land owners and the Program was attractive to them as they could acquire some money while keeping the property in the family.

Councilmember Kaur requested clarification on the makeup of the CAB. Ellis stated that in 2005, the San Antonio Economic Development Foundation (SAEDF) was added to the board to help bring the development community to the table. City Manager Erik Walsh further explained that this would help alleviate concerns about water availability when new businesses sought to relocate to San Antonio. Councilmember Kaur asked how leverage funding worked. Ellis explained that much of it was a reimbursement and partnership for ownership and management of sensitive properties. She clarified that Proposition 1 and Proposition 3 funding was depleted and that we only had the \$10 million annual allocation minus the \$3 million for the Seco Ranch.

Councilmember Rocha Garcia commented that Proposition 1 and 3 were important to voters. She asked if there was less interest in the Program since the City shifted from sales tax funding in 2023. Ellis indicated that there was a policy shift but landowners were still interested and water quality program studies were also underway. Councilmember Rocha Garcia asked what the City's role was in monitoring. Ellis stated that PARD had three staff members to monitor almost 200,000 acres so there was a new Memorandum of Understanding (MOU) with the EAA to assist with monitoring.

Councilmember Rocha Garcia asked if the 6.4% of the acquisitions were in the Artesian Zone to protect water wells. Ellis stated that they were small parts of larger parcels that were mostly in the Recharge Zone and their water pumping was regulated by the EAA. Councilmember Rocha Garcia asked why not much land had been acquired in Comal and Kendall counties. Ellis replied that those properties had less benefit to San Antonio due to their location.

Councilmember Viagran was pleased that the City could help families keep their heritage ranches. She asked if there was more money would the City prioritize the Recharge or Contributing Zone. Ellis

stated that the focus was on the recharge zone. Councilmember Viagran commented that water security was key to economic development and the future of our City.

Mayor Nirenberg clarified that not only was the Program focus on the quantity of water through the Recharge Zone, but water quality so the Contributing Zone was also important. He was pleased to see that EAA was helping with monitoring to ensure protection of those already acquired properties.

2. Staff presentation on proposed changes to procurement processes as a follow-up to the December 11, 2024 B Session Presentation [Ben Gorzell Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

City Manager Erik Walsh introduced the Item and Deputy Chief Financial Officer Troy Elliott who presented proposed changes to the City's procurement processes to improve efficiency and make purchases more quickly. Elliott noted that he had briefed the City Council on December 11, 2024, with recommendations. The presentation, according to Elliott, was to address concerns from the City Council.

Elliott recommended directly placing On-Call and Annual Contracts on the City Council Agenda, however, he no longer recommended increasing the dollar threshold definition for High-Profile Contracts to \$5 million; the High-Profile threshold would remain at \$1 million. Elliott recommended his original recommendation to delegate all fleet acquisitions for approval by the City Manager. However, instead of increasing the administrative approval of contracts to \$2.5 million for Architecture, Engineering, Construction, and other professional services, these would be at \$1 million; goods and non-professional services would be increased to \$2.5 million.

Elliott recommended redesigning business processes and including quarterly reports to the City Council. He stated that an Ordinance was planned to be placed on the January 30, 2025, agenda with an implementation date set for April 3, 2025. Elliott also recommended support of legislative changes for procurement items which were briefed to the Intergovernmental Relations Committee (IGR) yesterday.

DISCUSSION

Councilmember Rocha Garcia felt more comfortable with the revised thresholds but since the City Council was ultimately accountable to the residents, she still had reservations. She requested analysis of efficiencies such as cost and time savings for procurements. Elliott stated that time and effort for reporting and briefing the City Council and the Audit Committee would be saved as well as procurement staff time and a shortened contracting process timeline. Councilmember Rocha Garcia expressed concern with new Councilmembers elected in May 2025 not having input if this were enacted today. Elliott noted that there was nothing magic about doing this now other than advancing efficiencies more quickly. Councilmember Rocha Garcia suggested that recommendations from procurement professionals could be useful for other programs and policies.

Councilmember Whyte commented that if these policy changes would get funds and contracts in the hands of our vendors more quickly, then he would support the changes as projects were taking too long. Councilmember Whyte agreed that more studies to make other departments operate more efficiently were needed.

Councilmember Courage concurred that the proposal was to create more efficiency. He suggested that a table be created to help Councilmembers identify where in the Budget Book an expenditure was approved, particularly with the Infrastructure Maintenance Program (IMP) would help to be included in the quarterly report.

Councilmember Alderete Gavito asked if any of the currently proposed bills in the Texas Legislature would impact these changes. Elliott explained that they were different but those bills supported a move toward efficiency. Councilmember Alderete Gavito supported creating efficiencies and shortening the length of construction projects.

Councilmember Castillo thanked Elliott for taking City Council feedback into consideration and supported the new recommendations as they allowed her to ensure accountability to her residents.

Councilmember Viagran asked if there was a particular contract that needed to be pulled for review. Elliott clarified that City Council always had the prerogative to pull an Item. Councilmember Viagran recommended advocating to increase the Local Preference Program percentage through the State Legislature. She supported expediting construction projects and other procurements and adding an online list of contracts that were open to the public.

Councilmember McKee-Rodriguez supported the revised dollar amounts which would give City Council approval authority of 90% of the contracts above \$50,000.

Councilmember Kaur commented that the challenge was with maxing out a contract capacity such as the Job Order Contracts (JOC). Elliott indicated that the issue was with JOC capacity and this policy did not include JOC. City Manager Walsh stated that once the capacity was set, the execution of the task orders would progress more quickly. Councilmember Kaur requested a staff recommendation to adjust JOC capacity.

Mayor Nirenberg closed discussion noting that the Item would be brought before the City Council on January 30, 2025.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting into Executive Session at 2:08 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 relating to emergency preparedness pursuant to Texas Government Code Section 551.071 (consultation with attorney).

- E.** Legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Nirenberg reconvened the meeting in Open Session at 4:13 p.m. and announced that no official action had been taken in Executive Session.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 4:14 p.m.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**