

State of Texas
County of Bexar
City of San Antonio



Meeting Minutes
City Council B Session

City Hall Complex
San Antonio, Texas 78205

2021 – 2023 Council Members

Mayor Ron Nirenberg

Mario Bravo, 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
Ana Sandoval, Dist. 7 | Manny Pelaez, Dist. 8
John Courage, Dist. 9 | Clayton Perry, Dist. 10

Wednesday, June 8, 2022

2:00 PM

Municipal Plaza Building

The City Council convened a regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at 2:14 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Council Members present:

PRESENT: 7 – Nirenberg, Pelaez, Courage, Bravo, Perry, McKee-Rodriguez, Castillo

ABSENT: 4 - Rocha Garcia, Viagran, Cabello Havrda, Sandoval

ITEMS

1. Briefing on the status of the implementation of the SA Climate Ready Climate Action and Adaptation Plan. [David McCary, Assistant City Manager; Douglas Melnick, Chief Sustainability Officer]

City Manager Erik Walsh introduced the Item and provided information on the previous presentation on the SA Climate Ready Climate Action and Adaptation Plan. Julia Murphy, Deputy Chief Sustainability Officer, presented statistics and climate projections through the end of the century which included a decrease in precipitation and increase in overall temperatures and days above 100 degrees. Murphy outlined the Municipal and Community Policies and Programs and Education Projects focused on reducing emissions and energy consumption.

Doug Melnick, Chief Sustainability Officer, presented the SA Climate Ready Building Energy Awareness Program. Melnick described the proposed Benchmarking Ordinance that required large building owners to report their building's energy usage annually to the City. Melnick stated that the Ordinance was critical to the success of reaching the emissions reductions goals of the Plan by utilizing a data driven approach.

Melnick provided a timeline for the sustainability planning effort which began in August 2016 with the SA Tomorrow Sustainability Plan and included adoption of the SA Climate Ready Plan in October 2019 and has continued with the work of the SA Climate Ready Advisory Committee and its Benchmarking Subcommittee. The Benchmarking Subcommittee created the draft policy which was reviewed by the Advisory Committee. Melnick provided a cost benefit analysis for the Benchmarking Ordinance which included savings on electricity bills, avoidance of carbon emissions, and reductions in other pollutants. Melnick provided information on the City of San Antonio's Municipal Building Benchmarking that had been collected since 2011 as well as data from peer cities across the nation and their Benchmarking Ordinances.

Melnick described the work of the SA Climate Ready Benchmarking Subcommittee and listed all Committee Members by name and industry/corporate representation. Melnick listed stakeholders and organizations that had engaged in discussions regarding the Benchmarking Ordinance. Melnick provided a timeline for phase-in of the Benchmarking Ordinance's reporting requirements that started with City buildings and voluntary participation for private buildings moving toward mandatory reporting. Melnick also listed exemptions that would be included in the Benchmarking Ordinance.

DISCUSSION:

Mayor Nirenberg thanked the Committees, staff and Bloomberg Team for their work on the Plan and proposed Benchmarking Ordinance. Mayor Nirenberg noted that we were in early June and already expected a week or more of 100+ degree days. Mayor Nirenberg stated that climate action was a global crisis and challenge, but all communities needed to take action to create a sustainable future for our children and grandchildren. Mayor Nirenberg noted that poverty was one of the greatest impacts on climate and that work was fundamental to improving our climate. Mayor

Nirenberg stated that we needed to focus on energy transition particularly for those economically challenged, electric vehicle infrastructure and the built environment which was a pillar strategy targeted by the proposed Benchmarking Ordinance.

Mayor Nirenberg asked how building owners could utilize the benchmarking information. Melnick stated that the goal was not to shame building owners but to provide information that they could utilize to improve their Energy Star Rating, save money and create other positive impacts on the environment. Mayor Nirenberg recommended looking for ways to utilize the data to connect building owners with commercial weatherization programs and other efficiency programs, or simply make better decisions about their facility operations. Mayor Nirenberg requested regular progress reports from the Benchmarking Ordinance, once adopted. Mayor Nirenberg thanked Councilmember Sandoval for her stewardship of the Climate Ready program.

Councilmember Bravo commented on the recent days of 100+ degree weather and suggested that with more and more of these days, outdoor activity would be adversely impacted. Councilmember Bravo recommended a conversation about economic development relative to climate action and sustainability with businesses and the community.

Councilmember Perry requested information on the costs to implement the plan pointing to the goals for 41% reduction in emissions by 2030, 71% reduction in emissions by 2040 and carbon neutral by 2050. Councilmember Perry requested clarification on why CPS Energy did not already have data on the energy usage that was sufficient to provide the data included in the proposed Benchmarking Ordinance. Melnick explained that the entire picture of what class of building was more efficient would not be included in CPS Energy's data.

Councilmember Perry opposed the approach of telling businesses how to operate their buildings under the final phase in of the Benchmarking Ordinance but stated that he would support it as a voluntary program, noting other peer cities had a well established big business base and added that the program could harm small businesses. Melnick provided context for other peer cities noting that they were not that dissimilar to San Antonio and smaller businesses needed to be included to move the needle. Councilmember Perry questioned the peer cities' data's applicability to San Antonio and asked for a definition of benchmarking compliance.

Councilmember McKee-Rodriguez asked how the City or our families would be impacted if we did not implement the plan or stayed on track to meet the goals of emissions reduction and carbon neutrality. Melnick stated that it was never going to be a straight line but there was consensus from the public health community that there would be more extreme heat and more flooding which would cost everyone. Councilmember McKee-Rodriguez was concerned that residents with older homes or people who worked outdoors would be more adversely impacted and recommended collaboration with other departments to help improve lives. Melnick pointed to the work of the Parks and Recreation Department in planting trees, emergency management in creating resiliency hubs and the Neighborhood and Housing Services Department with their White Roof Program. Councilmember McKee-Rodriguez was pleased that the Cool Pavement Program started

in Council District 2 and suggested that many people went to the municipal swimming pools to cool off and noted that more shade was needed.

Councilmember McKee-Rodriguez requested information about the plan to close CPS Energy's Spruce coal burning power plants. CPS Energy Staff stated that Spruce 1 would close by 2028 and Spruce 2 would close later. Tons of CO2 requested. Councilmember McKee-Rodriguez thanked

Councilmember Sandoval for her leadership on the program. Councilmember McKee-Rodriguez clarified that the program would be voluntary for two years and suggested that might not make enough to meet the goals. Councilmember McKee-Rodriguez requested a comparison of the first strategies under the plan and how they compared to the Benchmarking Ordinance.

Councilmember Castillo thanked Councilmember Sandoval for leading the initiative and emphasized that extreme weather was continuing along with other crises such as the housing crisis and COVID-19 pandemic. Councilmember Castillo stressed that the Council needed to move beyond rhetoric and into action to meet the goals of the SA Climate Ready Plan.

Councilmember Castillo requested clarification on the triple bottom line analysis of impact and whether it was comparing mandatory or voluntary programs. Melnick said the other programs were mandatory but felt confident that the proposed Benchmarking Ordinance would help us meet our goals. Councilmember Castillo asked about some of the committee's concerns around cost. Melnick said that the committee was concerned that moving beyond benchmarking could lead to mandatory targets and that was not supported. Councilmember Castillo suggested that the policies were long overdue, and it was fiscally responsible to implement policies recommended by studies that our public dollars paid to conduct.

Councilmember Pelaez expressed concern that the Benchmarking Ordinance was going to be a requirement for businesses to participate in the various weatherization and efficiency programs. Melnick said that participation was not a requirement. Councilmember Pelaez requested a comparison of peer cities' voluntary versus mandatory Benchmarking Ordinances to see whether they achieved similar numbers. Councilmember Pelaez suggested that a voluntary program might be better because partners would be motivated more than if they were under threat. Councilmember Pelaez stated that Melnick had previously told him that CPS Energy had not requested the data.

Councilmember Pelaez suggested there could be a large staffing burden created by the Benchmarking Ordinance. Melnick responded that most large employers were supportive including USAA, Frost Bank and HEB. Councilmember Pelaez expressed concern about proprietary information from datacenters such as Microsoft or Rackspace. Assistant City Manager David McCary said that they asked the Environmental Protection Agency how many of these large

businesses were already participating in collecting the data and it was important that we collected valid and useful data to be able to compare peer to peer while being transparent to the community. McCary said 35% of businesses had been voluntarily participating for several years. City Attorney Andy Segovia clarified that under an Open Records Request, proprietary info needed to be presented to the Attorney General to be held confidential as a part of the Texas Public Information Act.

Councilmember Perry did not support a mandatory program and expressed extreme concern that the businesses' proprietary information could not be guaranteed to be kept confidential. Councilmember Perry also opposed charging fines for not providing information and was concerned about the costs to businesses which would be passed along to customers. Councilmember Perry recommended exploring additional reliable energy sources.

Mayor Nirenberg clarified that the compliance was about ensuring that the information was being provided. Melnick said there were only 4-5 data points coming to the City and the only information that would be public would be a score. Mayor Nirenberg asked if there was a forced compliance to achieve a certain score. Melnick confirmed there was not fine related to the scores, it was only regarding reporting and said only those scoring above a 50 would be disclosed.

Councilmember Courage said he supported the original plan and the Paris Climate Agreement, and all the work being done under the plan. Councilmember Courage asked when the 50 Electric Vehicle (EV) Chargers would be up and running in San Antonio. Melnick said they would be installed by 2024 and there was a plan to do more. Councilmember Courage requested information on what the partners were doing and what has been accomplished from the original 5-year climate plan. Melnick described the partners as stakeholders with different activities and said that the department was tracking progress, however, some of the strategies were very high level so only 2 of 87 were achieved but at no cost to local businesses. Councilmember Courage expressed concern that there had been little achieved but suggested that stopping the program at this time would be a setback moving forward as the new plans had more tangible metrics.

Councilmember Courage asked if the companies needed to pay for their own inspections. Melnick said that the benchmarking did not require expert to conduct but that many businesses would choose to perform an energy audit. Councilmember Courage suggested that a voluntary program would not meet the objectives. Councilmember Courage expressed support for the program so his grandkids could continue to breathe clean air in our community.

Councilmember Bravo noted that many of the swimming pools were not open and suggested paying lifeguards more since there was a shortage. Councilmember Bravo compared the Energy score to a Miles Per Gallon window sticker on a car which would help businesses market themselves. Councilmember Bravo suggested that a voluntary program would never produce the results that a mandatory reporting program would do to help us catch up to the 16 comparison

cities that already had programs.

Councilmember McKee-Rodriguez suggested that benchmarking was more effective than any other strategy for businesses. Melnick said that reducing consumption in our largest consumption had a quicker, larger impact than other strategies but added that reducing emissions from energy production would have a significant impact. Councilmember McKee-Rodriguez suggested that information was powerful in helping our businesses make changes and decrease their environmental impact.

Councilmember McKee-Rodriguez said that elderly residents that couldn't mow their lawns had to pay fines, but it was in the City Code for the good of the community. Councilmember McKee-Rodriguez asked about the benefits of these programs on renter's to be able to choose multi-family properties that were more efficient. Melnick said the apartment association said the program could help them access grants to improve efficiencies.

Councilmember Pelaez asked if noncompliance in submitting the Benchmarking Data would be a Class C Misdemeanor. City Attorney Segovia replied that had not been determined. Councilmember Pelaez said that many businesses were coming to San Antonio and that this program would make our City less competitive and would not create new jobs. Councilmember Pelaez said there was no way the program would not cost money.

Councilmember Castillo clarified that not mowing your lawn if it was over 12 inches was a Class C Misdemeanor and didn't think it was too much to ask large businesses to meet the reporting requirements of the Benchmarking Ordinance. Councilmember Castillo suggested prioritizing its incentives to those businesses that received a high score. Councilmember Castillo also noted that residential customers paid a higher rate to CPS Energy than those large consumers. Councilmember Castillo said the program did not go far enough but it was a middle ground. Councilmember Castillo requested information provided by the San Antonio Housing Authority on their buildings.

City Manager Walsh said that the policy conversation of City Council was the same conversation that he had heard in the business community. Walsh said that there was more work to do to refine the strategies and committed that the staff and committee would continue their work. Walsh compared the Health Department restaurant letter grade program to this program noting that originally the restaurants did not want the letter grade but once it was voluntarily implemented, it became something that all restaurants wanted to do.

Mayor Nirenberg noted that four councilmembers were absent and did not get to weigh in but thanked the work of the Committee members for a compromise. Mayor Nirenberg agreed that more work needed to be done and there would be more debates, but we should embrace our victory within the compromise. Mayor Nirenberg said that he looked forward to more dialogue.

EXECUTIVE SESSION

At any time during the meeting, the City Council may recess into executive session in the Presidio Conference Room or the B Room to consult with the City Attorney's Office (Texas Government Code Section 551.071) and deliberate or discuss any of 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 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).

ADJOURNMENT

Approved

**Ron Nirenberg
Mayor**

Attest:

**Debbie Racca-Sittre
City Clerk**