



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 4

Agenda Date: August 31, 2023

In Control: City Council A Session

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Ordinance establishing minimum Heat Illness prevention requirements for certain City funded contracts involving activities in outdoor and unconditioned spaces. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

SUMMARY:

On April 28, 2022, former Councilwoman Ana E. Sandoval, District 7, and Councilwoman Dr. Adriana Rocha Garcia, District 4, proposed for consideration a creation of an ad hoc task force charged with evaluating and recommending heat illness prevention measures the City and Construction industry can take to ensure construction worker safety.

On May 25, 2023, City staff presented to the Planning and Community Development Committee (PCDC), who was in support of the Heat Illness education program and campaign. PCDC also directed City staff to provide them with the City of Austin and the City of Dallas Rest break ordinances for review and to provide options for a City of San Antonio ordinance as referenced in the 2022 Council Consideration Request (CCR).

City staff returned to PCDC on June 29, 2023, and presented possible ordinance options to the committee. PCDC approved moving forward with an ordinance for all construction workers on City funded projects that included the following: (1) allow for one 15-minute break every four

hours of work for all construction workers, (2) to provide drinking water for construction workers, (3) provide shade areas for construction workers, and (4) display rest break ordinance signage on construction sites that are both in English and in Spanish.

BACKGROUND INFORMATION:

The CCR identified three factors that made this issue urgent for San Antonio to consider. First, San Antonio has hot summers. Second, San Antonio's continued growth makes it a booming construction market. Three, the proposal is consistent with the objectives of the Climate Action & Adaptation Plan, particularly adaptation to a warming climate, the City's commitment to racial equity, and the City's ambitious vision for improved public health in our community.

The CCR charged the task force with considering potential locally tailored heat safety measures, recommending measures to City Council, and evaluating the success of the first year of implementation of any adopted measures.

The Heat Illness CCR Stakeholder Committee began meeting in December 2022. The first meeting was an introductory meeting of the CCR and an explanation and summary of the CCR for the stakeholder group to review and understand their charge.

The Development Services Department (DSD) held a total of five stakeholder meetings between December 2022 and May 2023 to discuss the concerns and issues related to heat illness and evaluate preventative measures. The stakeholder committee requested to hear from personnel from the City of Austin and the City of Dallas to provide responses to questions regarding their current heat illness ordinances as part of the review. Both Cities provided a department representative that answered several questions about how their ordinance is enforced and how many violations have occurred since adopting their heat illness ordinance within their city. Additionally, each meeting and agenda was added to SASpeakUp to get feedback from the community.

The final meeting of the Heat Illness CCR Stakeholder Committee was held on May 10, 2023. While all members of the group agreed upon the importance of keeping construction workers safe from extreme heat, the Heat Illness CCR Stakeholder Committee was split on the type of recommendation to present to Development Services and SA Metro Health District. Labor union representatives generally recommended that the City pass an ordinance requiring minimum rest breaks similar to the cities of Dallas and Austin. The contractors and development group members recommended that an ordinance was unnecessary due to the fact that contractors already provide protection and safety measures and an ordinance like Austin and Dallas was difficult, if not impossible, to enforce.

The process for reviewing the proposed Heat Illness CCR was open to all citizens and stakeholders and DSD worked to achieve the support, involvement, feedback, and recommendation from all stakeholders.

ISSUE:

City staff presented the Heat Illness education program and campaign to the Planning and Community Development Committee on May 25, 2023. The Committee supported the Heat Illness education program and campaign and asked City staff to provide them with the City of Austin and City of Dallas Rest break ordinances for review. City staff returned on June 29, 2023, to discuss what the Committee would like to see in a possible ordinance and discussed options. Additionally, City staff proposed an education program that would update the City's SA Metro Health District Heat Preparedness Plan and would partner with the construction industry stakeholders on educating all employers and construction workers about heat illness prevention. The Committee voted to continue with the educational campaign and for City staff to present a Heat Illness ordinance for construction workers on City of San Antonio related projects to full Council.

ALTERNATIVES:

The City Council could choose to adopt an Heat Illness ordinance for certain City funded contracts involving activities in outdoor and unconditioned spaces.

FISCAL IMPACT:

This item as recommended has no direct fiscal impact.

RECOMMENDATION:

City staff recommends that the City continue with the Heat Illness education program and campaign through the summer.