

# City of San Antonio



## AGENDA

### City Council A Session

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

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**Thursday, August 31, 2023**

**9:00 AM**

**Municipal Plaza Building**

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The City Council will hold its regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at the above referenced date and time for the following items. Once convened, the City Council will take up the following items in any order during the meeting but no sooner than the designated times.

#### **9:00AM: Call to Order**

Members of the public can comment on items on the agenda. To sign up to speak visit [www.saspeakup.com](http://www.saspeakup.com). Click on meetings and events and select the meeting you'd like to participate in. Sign up to speak or submit a written comment. Questions relating to these rules may be directed to the Office of the City Clerk at (210) 207-7253.

Individuals signing up for public comment may register for VIA bus fare or parking validation at [www.saspeakup.com](http://www.saspeakup.com). VIA bus fare or parking at City Tower Garage (located at 100 Blk N. Main) will be provided to individuals who request the assistance. Staff will provide VIA bus fare passes and parking validation tickets in the lobby of City Council Chambers.

To view the Live meeting please view our [Live Stream](#)

During the meeting, the City Council may meet in executive session for consultation with the City Attorney's Office concerning attorney-client matters under Chapter 551 of the Texas

Government Code.

### **ACCESS STATEMENT**

**The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-2098 or Relay Texas 711 or by requesting these services online at <https://www.sanantonio.gov/gpa/LanguageServices>. Providing at least 72 hours' notice will help to ensure availability.**

Intérpretes en español estarán disponibles durante la junta del consejo de la ciudad para los asistentes que lo requieran. También se proveerán intérpretes para los ciudadanos que deseen exponer su punto de vista al consejo de la ciudad. Para más información, llame al (210) 207-7253.

For additional information on any item on this agenda, please visit [www.sanantonio.gov](http://www.sanantonio.gov) or call (210) 207-7080.

**4.**

**2023-08-31-0585**

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]

### **THE CITY COUNCIL MAY RECESS FOR LUNCH AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS**

6:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.

Posted on: 11/21/2024 03:23 PM



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 4

**Agenda Date:** August 31, 2023

**In Control:** City Council A Session

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**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.

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED  
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

## ORDINANCE

### **DIRECTING CITY STAFF TO ADD HEAT ILLNESS PREVENTION REQUIREMENTS TO CERTAIN CITY-FUNDED CONTRACTS INVOLVING ACTIVITIES IN OUTDOOR AND UNCONDITIONED SPACES.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio is concerned with rising temperatures and workers' exposure to extreme heat while on the job; and

**WHEREAS**, a Council Consideration Request was proposed to address job related heat illness issues, and the Heat Illness Stakeholder Committee (Committee), consisting of members of the construction industry, health care services and City staff, was formed and met five (5) times from December of 2022 to May of 2023; and

**WHEREAS**, the Committee recommended an educational awareness campaign be implemented, and this campaign began in June of 2023 and is ongoing; and

**WHEREAS**, the Committee recommends an ordinance that adds heat safety requirements to contracts requiring work funded by the City of San Antonio. These measures ensure that workers on City funded construction, repair, and maintenance projects have safe workspaces that prevent worker illness and injury, avoiding additional expenses due to claims and delays, and meeting public expectations for City funded projects; and

**WHEREAS**, the City procures services for the construction, repair, rehabilitation, and maintenance of city owned facilities. The City enforces workplace safety requirements on City funded construction projects through the General Conditions for City of San Antonio Construction Contracts. The City also includes other requirements that reflect the City's interests, such as SBEDA and prevailing wage ordinance compliance in City funding agreements; and

**WHEREAS**, employers are currently responsible under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970 to provide their employees with a place of employment that "is free from recognized hazards that are causing or likely to cause death or serious harm to employees", including heat-related hazards that can cause death or serious bodily harm. The City wishes to provide heat safety requirements to further guide its contractors to better protect their employees working on City funded projects; and

**WHEREAS**, the Planning and Community Development Committee evaluated the options presented and recommended moving forward with an ordinance to provide the heat illness prevention guidelines that will be included in the General Conditions of certain City-related

construction contracts for services requiring work in potentially dangerous heat, as well as in other contract and solicitation documents, and funding agreement language; NOW THEREFORE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** City staff is hereby directed to add heat illness prevention requirements to certain City-related contracts and solicitations that pay for labor services to include a fifteen (15) minute rest break for every four (4) hours of work performed, provide heat relief stations at work sites, and display heat illness ordinance signage at work sites in both English and Spanish. The heat illness prevention requirements are more particularly set out in Attachment A.

**SECTION 2.** This Ordinance shall become effective immediately on passage with eight (8) affirmative votes of the City Council, and if passed by upon by fewer than eight votes, then on the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED** this       day of August, 2023.

**M   A   Y   O   R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney

# Attachment I

When the heat index equals or exceeds 95 degrees Fahrenheit, Contractor is required to take all the following actions for all on-site workers working in outdoor or unconditioned spaces:

- Mandate at least a fifteen (15) minute rest break for every four (4) hours worked. No employee may be required to work more than 3.75 continuous hours without a rest break. These rest breaks are in addition to and shall not take the place of other required or otherwise provided rest breaks.
- Provide a heat relief station at the work site with a shaded area and water.
- Train supervisors and workers to recognize heat hazards and take appropriate actions.
- Post a sign with City requirements in English and Spanish within the work site where notices to employees are customarily posted. The City will prescribe the size, content, and location of signs within applicable design guidance manual.



Draft

# Heat Illness

City Council – Item 4  
August 31, 2023





CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST

TO: Mayor and City Council

FROM: Councilwoman Ana E. Sandoval, District 7  
Councilwoman Dr. Adriana Rocha Garcia, District 4

COPIES TO: Erik Walsh, City Manager; Debbie Racca-Sittre, Interim City Clerk; Andy Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council

SUBJECT: Task Force on Heat Illness Prevention for Construction Workers

DATE: April 28, 2022

Issue Proposed for Consideration

We ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

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.

Brief Background

Heat-related illness poses a significant risk to construction workers across the United States. Between 1992 and 2016, construction workers, who accounted for 6% of the U.S. workforce, accounted for over one third of occupational deaths due to heat exposure. About 75% of these fatalities occurred during the summer months. Increased summer temperatures during the same time period were associated with a higher number of heat-related illness, as well.<sup>1</sup> Non-fatal heat related injuries are even more common, but often go unreported.<sup>2</sup>

Additionally, Hispanic workers appear to be at higher risk. Hispanics account for one third of all heat-related fatalities in the US since 2010, but account for only 17% of the workforce.<sup>3</sup>

Three factors make this issue urgent for San Antonio to consider. First, San Antonio has hot summers—and they are projected to become more severe. According to projections prepared for the City's Climate Action & Adaptation Plan, in the best case scenario, San Antonio will experience 55 days over 100 degrees Fahrenheit during the summer.<sup>4</sup> As it is, we are already seeing record high heat in the summer months.<sup>5</sup> Second, San Antonio's continued growth make it a booming construction market. As such, there is a large population of construction workers who will benefit from heat illness prevention measures such as shade and water breaks. Finally,

<sup>1</sup> [Heat related deaths among construction workers in the United States](#), American Journal of Industrial Medicine, 2019

<sup>2</sup> [CDC Blog: Heat Stress in Construction](#), CDC, 2020

<sup>3</sup> [The Biden Administration is Adding Worker Protections to Address Extreme Heat](#), NPR, 2021

<sup>4</sup> [Climate Projections for the City of San Antonio](#), SA Climate Ready, 2018

<sup>5</sup> [San Antonio sees one of the hottest Julys on record](#), KSAT, 2020

<sup>6</sup> [Monday was San Antonio's hottest day in seven years](#), KSAT, 2020

# BACKGROUND

Submitted April 28, 2022, by Council Districts 4 and 7

- Requesting creation of task force to evaluate and recommend heat illness prevention measures for worker safety

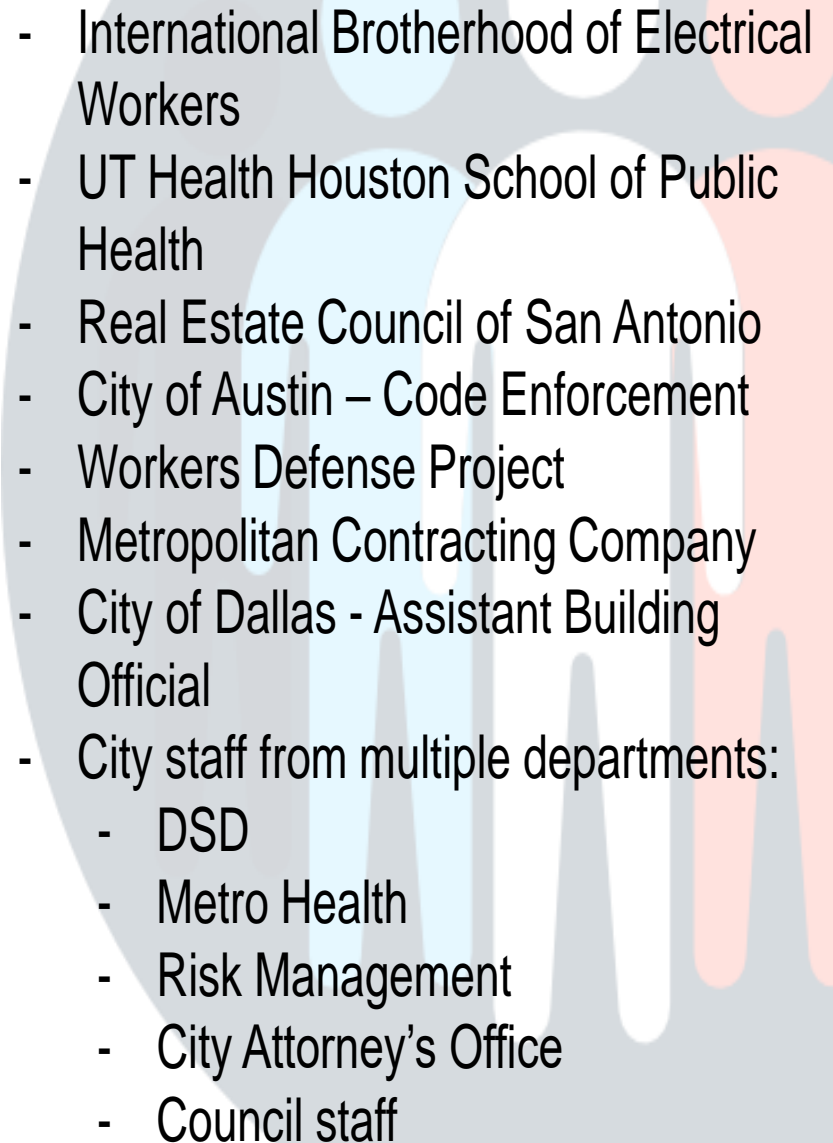
## Goals

- Consider potential locally tailored heat safety measures
- Recommend measures to City Council
- Evaluate success in a year



# TASK FORCE



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- Laborers Local 1095 (LiUNA!)
  - Laborers International Union N.A. - Southwest
  - CDI Technology Services
  - San Antonio Building and Construction Trades Council
  - Associated Builders and Contractors
  - Associated General Contractors
  - Greater San Antonio Builders Association
  - National Association of the Remodeling Industry
  - PEPP/AIA - Bexar County
  - Plumbing Heating Cooling Contractors Association
  - Texas Air Conditioning Contractors Association
  - Electric Contractors Association San Antonio
  - International Brotherhood of Electrical Workers
  - UT Health Houston School of Public Health
  - Real Estate Council of San Antonio
  - City of Austin – Code Enforcement
  - Workers Defense Project
  - Metropolitan Contracting Company
  - City of Dallas - Assistant Building Official
  - City staff from multiple departments:
    - DSD
    - Metro Health
    - Risk Management
    - City Attorney's Office
    - Council staff

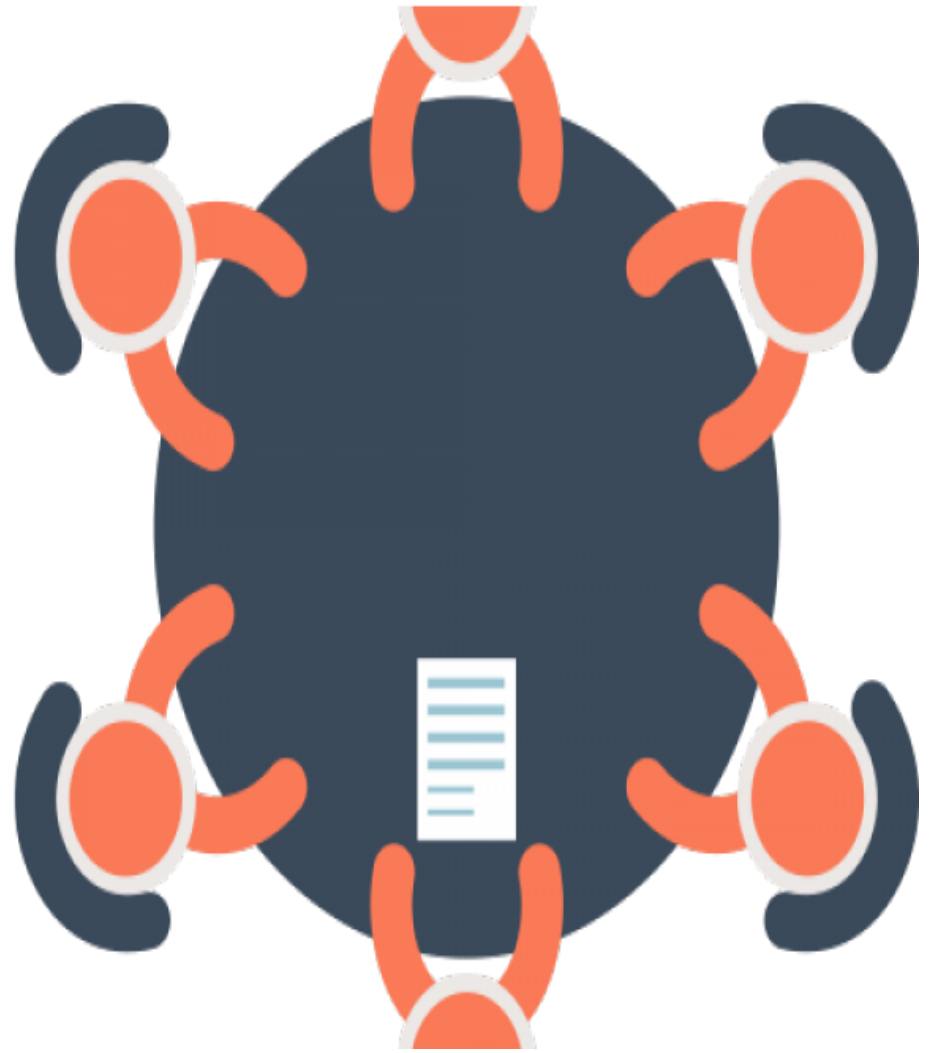
# STAKEHOLDER MEETINGS

## 5 Stakeholder Meetings

- December 15, 2022
- January 18, 2023
- February 15, 2023
- March 16, 2023
- May 10, 2023

## Items Discussed

- Enforcement
- Educational Campaign
- Emulation of Austin and Dallas ordinances



# OTHER CITIES

## Comparison of Austin and Dallas current ordinances

	AUSTIN	DALLAS
Date adopted	Jul. 29, 2010	Dec. 9, 2015
Rest breaks (at least 10 minutes every 4 hours)	Yes	Yes
Signage required on-site	Yes	Yes
Signage required in English and Spanish	Yes	Yes
Applies to new residential and commercial projects	Yes	Yes
Applies to existing residential projects	No	Yes

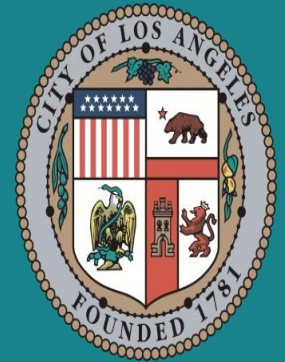
# OTHER CITIES (cont.)

## PHOENIX

- 90° F
- Mandatory buddy system
- Cell phone and radio communication
- Signage in English and Spanish
- Water provided every 15-20 min
- Electrolytes provided if outside more than 2 hrs.
- Shaded provided for 100 F or more for rest periods
- 1 supervisor per 20 employees
  - Monitors heat illness signs
  - Ensures breaks are taken
- 15 to 45 min. per hour (depends on temperatures)
- Number of breaks depend on:
  - Heat and work being done
  - Employers failing to provide rest periods must pay employees on additional hour of work

## LOS ANGELES

- 80 F for shade
- 95 F for heat procedures
- Mandatory buddy system
- Cell phone and radio communication
- Signage in English and language most understood by majority of work force
- Up to 4 cups per hour
- Shade provided for 80 F or more for rest periods
- 1 supervisor per 20 employees
  - Monitors heat illness signs
  - Ensures breaks are taken
- 10 min. every 2 hours
- If workday extended beyond 8 hours, additional rest breaks required at the tenth hour



City of Phoenix

# PLANNING AND COMMUNITY DEVELOPMENT



**May 25, 2023**

- Presented summary of task force meetings and discussion
- Received approval to begin educational campaign
- PCDC directed staff to bring back additional information on other ordinances and options for potential city ordinance

**June 29, 2023**

- Committee approved bringing proposed ordinance to full City Council with heat related prevention requirements for contractors doing business with City



# EDUCATIONAL CAMPAIGN



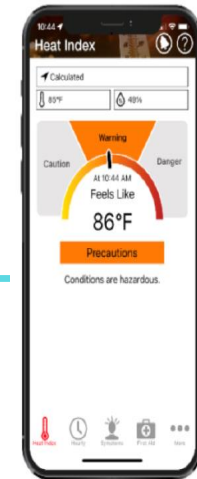
## Decal

- Worksites
- Vehicles



## Education

- Post card or decal
- In English and Spanish
- For workers



## OSHA Mobile App

- Has real-time index for current geographical location
- Precautionary recommendations
- Signs, symptoms, and first aid for heat-related illnesses





# CAMPAIGN

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- Launched in partnership with Metro Health District and Communications and Engagement departments
  - News release
  - Social media posts
    - Nextdoor
    - Facebook
    - X (formerly Twitter)
    - LinkedIn



# BILLBOARDS

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- Printed collaterals
  - 2,000 cards in English and Spanish distributed by inspections team
- Billboards
  - New sign code allows for 40 hours of free advertising on newly digital converted billboards



# PROPOSED ORDINANCE

Required for contractors on all COSA funded construction projects.



- Applicable when heat index is 95 degrees Fahrenheit or higher
- At least 15-minutes break every 4 hrs. of work
- Heat relief stations with shade and drinking water
- Display break ordinance signage on construction sites in English and Spanish
- Supervisor and workers training on heat hazards and mitigation



# NEXT STEPS

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- Continue “Beat the Heat” educational campaign annually
- City Council to consider proposed ordinance adding minimum heat illness prevention requirements for city construction projects







# **THANK YOU!**

Michael Shannon PE, CBO – Director  
E: [Michael.Shannon@SanAntonio.gov](mailto:Michael.Shannon@SanAntonio.gov)

