

State of Texas
County of Bexar
City of San Antonio



Meeting Minutes
City Council B Session

Municipal Plaza Building
114 W. Commerce Street
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, April 10, 2024

2:00 PM

Council Briefing Room

The City Council convened a B Session meeting in the Council Briefing Room beginning at 2:04 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

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting into Executive Session at 2:06 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 2:26 p.m. and announced that no official action had been taken in Executive Session.

ITEMS

1. Briefing on Reproductive Justice Fund. [Erik Walsh, City Manager; Claude A. Jacob, Director, Health]

Mayor Nirenberg asked City Attorney Andy Segovia to remind City Council that today's briefing was a preliminary step for City Council to provide their feedback on a potential Request for Proposals (RFP) that Metro Health would issue but the City Council would not be making any decisions or allocations at today's meeting.

City Manager Erik Walsh noted that \$500,000 was allocated in the FY 2024 Budget for the Reproductive Justice Fund which would be managed by Metro Health. He was seeking direction from the City Council to help inform the RFP which would be presented to City Council before issuance.

Dr. Claude Jacob noted that access to health care including care for women was included in the SA Forward Plan. Jacob introduced Dr. Junda Woo, Medical Director and Local Health Authority, who presented background and overview of the Item. She stated that the City Council allocated \$500,000 on September 14, 2023, to establish a Reproductive Justice Fund (RJF). Similar funds existed in Austin, Harris County, St. Louis, Chicago, Columbus, New York City, Seattle and Portland, as well as in six states (Oregon, California, New Mexico, Minnesota, New Jersey, New York) according to Woo with uses including clinic capacity building for maternal and reproductive health, community outreach, and abortion access.

Woo stated that the National Black Women's Reproductive Justice Agenda stated that "Reproductive Justice means the human right to control our sexuality, our gender, our work, and our reproduction." She reported that Texas lead the nation in uninsured women (1 in 4). Services for low-cost/no-cost family planning services, cancer screening and Sexually Transmitted Illness (STI) testing had been reduced, according to Woo noting that the Federal Title X Program was one-third of its former size and more applications were denied than approved in 2020-2021 under the Healthy Texas Women and Family Planning Programs. Additionally, Woo reported that lawfully present immigrant adults were barred from Medicaid.

According to the Healthy People 2030 and 2015 data, 1 in 2 U.S. residents at less than 250% of Federal Poverty Level could not access their contraceptive method of choice. Woo stated that

in 2022 the Centers for Disease Control (CDC) reported that 1 in 4 pregnancies in Bexar County began prenatal care after the first trimester, while between 2018 to 2021, Bexar County fared better than the State and the nation, but that trend reversed in 2022. According to the CDC's 2018 data, 1 in 5 U.S. residents on any given day had an STI and congenital syphilis in Bexar County occurred at 4 times the national rate in 2021. The Texas Department of State Health Services stated that 1 in 8 U.S. pregnancies ended in abortion before Dobbs; Texas reported 52,495 abortions in 2021, compared to 52 from January through October 2023. Woo described upstream services focusing on economic stability and healthy relationships including: support for capacity building initiatives by partners and strategic messaging by Health Equity Network (Policy & Civic Engagement Office) such as food insecurity, housing security, and access to respectful care.

Woo listed midstream services focusing on access to trusted medical care and a full range of family planning options without bias or coercion including: reproductive health focused CHWs, care navigators and patient advocates; sexual health education for youth; contraception training for family medicine providers in priority geographic areas (\$56,000 would train 150 providers); navigation to insurance and Texas programs, well woman care, family planning; showcasing accessible, respectful providers of quality women's health care (CARE Initiative \$20,000) and doula training scholarships.

Woo characterized downstream services as being direct services including: home pregnancy tests, emergency contraception, transportation to prenatal care, subsidized doulas, Black maternal mental health care visits, telehealth visits for STIs, STI home test kits, and transportation to abortion care.

Woo stated that the RFP would require that all organizations meet City procurement, contracting, and audit criteria and preference would be given to organizations that: serve and empower those most affected by reproductive health disparities, provide culturally and linguistically appropriate services in priority geographic areas and include upstream or midstream approaches. Staff recommended 30% of the funding (\$150,000) for upstream approach, 50% of the funding (\$250,000) for midstream approaches, and 20% of the funding (\$100,000) for downstream approaches.

Mayor Nirenberg commented that the autonomy of women remained under constant threat and hoped that the City of San Antonio could help provide women's health care including abortion which had been under attack by the State Legislature.

Councilmember Cabello Havrda firmly committed to helping women make healthy choices about their bodies and their healthcare and allowing them to make their own decisions without other's opinions being forced upon them which could include assisting San Antonio women to seek healthcare outside the borders of Texas if their choice in health care, including abortion care, was not available in our state. She supported ensuring women and children who were victims of rape and incest would not be forced to bear a child. Councilmember Cabello Havrda also supported access to contraception, prenatal healthcare, and family care and noted these issues disproportionately impacted low-income women of color.

Councilmember Alderete Gavito commented that Texas did not do enough to care for women's

reproductive health noting that Black women were twice as likely to die in childbirth than white women and states with strict abortion laws tended to have higher maternal mortality rates. She recommended that the funding not jeopardize the ability of the City to obtain future grants. Councilmember Alderete Gavito wanted the RPJ fund to provide supplies and services rather than overhead costs of the non-profit. Midstream efforts were most important and downstream services were the next priority, recommended Councilmember Alderete Gavito.

Councilmember Castillo commented that Texas leaders had blocked efforts for residents to seek healthcare including the State's refusal to expand Medicaid and the banning of abortion. She affirmed that access to abortion care was a critical component of women's health to ensure low-income and women of color received equitable and quality healthcare treatment. She supported upstream, midstream, and downstream services that could be provided by one or more agencies. Councilmember Castillo did not support the funding of pregnancy crisis centers that steered women only to one option. City Manager Erik Walsh clarified that this could be built into the RFP. Councilmember Castillo recommended more emphasis on downstream services as upstream services were already funded.

Councilmember Whyte did not support using public dollars to provide abortions and warned the City Council that this was not a City issue nor the province of the municipal government. Councilmember Whyte adamantly opposed funding travel for out of state abortions. He commented that \$16 million was already being spent on women's health such as immunizations, cancer screenings, STI, and access to prenatal care. He noted that upstream and midstream services were already being provided including some of the downstream such as pregnancy tests and mental health visits and he supported any of those uses of this funding.

Councilmember Whyte maintained that abortion was not a City issue as the United States Supreme Court's Dobbs' Decision ruled it was an issue to be decided by the States. He noted that homelessness and crime were city issues and that's where funding should be spent. He disagreed that there was a not legal issue with the RFP noting that in the past 6 months, the City had spent \$135,000 defending itself against a lawsuit and warned that funding of out of state abortions would result in higher legal costs. City Attorney Andy Segovia cautioned against discussions related to lawsuits except in Executive Session. Councilmember Whyte read a statement from Catholic Archbishop Gustavo Garcia-Siller opposing use of the RJF for out of state abortions.

Councilmember Viagran commented that when Roe vs. Wade was reversed and the Texas State Legislature failed to ensure access to abortion, women began to have limited access to health care related to STDs, cancer, and other reproductive health concerns. She noted the disparity between the north and south sides of the City presented by Dr. Woo and recommended funding for the midstream and downstream approaches. She stated that the City Council would not violate State Law with the RJF. Councilmember Viagran looked forward to including all services in the RFP to see what proposals were received.

Councilmember Kaur quoted the National Black Women's Reproductive Agenda. She recommended separation of church and State asserting that the governance of our city should not be defined by a religious doctrine. She noted there was more access to contraceptive, prenatal care and STIs in the North Side of town and noted that access to abortion for women of color

was significantly lower than for white women. Councilmember Kaur stated that she believed the downstream approach was where there was a significant lack of funding so she suggested most of the funding be allocated for the downstream approach, some for the midstream approach and to find other sources of funding for the upstream approach.

Councilmember Pelaez expressed concern with funding recommendations for medical provider conception education noting that family medical professionals were required by law to be trained in contraception and suggested moving the \$56,000 to the insurance and healthcare navigation services as those who refused to provide contraception were likely due to reasons other than lack of education.

Councilmember Pelaez supported funding for all services included in upstream and midstream, and most of downstream but stopped short of helping with transportation to obtain abortion care outside of Texas suggesting that this would create more media friction and litigation. He clarified that so far, no decision had been made except to allocate \$500,000 to the RJF but there had been no votes cast on how to spend the money.

Councilmember McKee-Rodriguez commented that there were high mortality rates for Black women and there were enormous health inequities for women of color, LGBTQ and low-income individuals. Councilmember McKee-Rodriguez stated that the RJF was intended to support prenatal and post-partum care as well as access to healthy and safe abortions noting that since Texas enacted its abortion ban in July 2022, women were being forced to give birth. He thoroughly supported more funding for RJF and use of these funds to address the crisis of lack of access to care including increasing the percent of funding for downstream and midstream to 40% each with 20% in upstream services. He also recommended that anti-abortion centers, also known as Crisis Pregnancy Centers, should be barred from applying for the funds.

Councilmember Courage asked Dr. Jacobs how much money Metro Health devoted to women's health annually. Jacob stated that \$16.3 million including grant funding was dedicated to women's health programs. Councilmember Courage noted the staff recommendations and suggested there were already resources dedicated to upstream and midstream services and requested a breakdown of existing investments in the proposed listing of upstream and midstream services. Woo clarified that the list included services being provided by other agencies.

Councilmember Courage supported a woman's right to choose what to do with her own body but did not support using taxpayer funding for out-of-state transportation. He supported expansion of women's healthcare services.

Councilmember Rocha Garcia clarified that proposers bringing only downstream approaches would need to provide some upstream or midstream services under the staff proposal and asked if the City of Austin was funding out of state travel. Woo stated that they were not.

Councilmember Castillo supported staff's recommendation to provide direct services within underserved neighborhoods and emphasized the need to move the RFP process along quickly to be able to get services underway.

2. Briefing on the Small Business Construction Support Grants Program. [Alejandra Lopez, Assistant

City Manager; Brenda Hicks-Sorensen, Director, Economic Development Department]

City Manager Erik Walsh introduced the Item and the Assistant Director of Economic Development Department (EDD), Ana Bradshaw. Bradshaw reported that \$1.4 million in total funding from the American Rescue Plan Act (ARPA) was allocated with \$1.28 million in direct grants and \$175,000 administrative fees to be paid to LiftFund to administer the grants. She stated that cash grants would range from \$10,000 to \$35,000 based on actual reduction in net income. Bradshaw stated that pre-existing businesses that had been most financially impacted by long projects and had not yet received City assistance, would be prioritized.

Bradshaw reported that the following requests from the Economic and Workforce Development Committee had been incorporated into the recommendations which included adding vape shops to the list of excluded businesses, evaluate business owners' net worth using Federal method or attestation method, including City initiated construction projects that were currently under construction that have a planned duration of at least six months, prioritize micro-businesses via scoring criteria, and standardize maximum value for all scoring criteria. Bradshaw listed the evaluation criteria and outlined the timeline for the Program.

Mayor Nirenberg commented that City Council had been discussing the impact of City construction projects on local small businesses for the past several years. He stated that local businesses had provided feedback that the amount of the grants was not large enough to make a difference and their request, instead, was to complete the construction projects more quickly. Mayor Nirenberg recommended collaboration with Public Works to incentivize contractors to get the work completed more quickly instead of offering \$15,000 grants. City Manager Walsh reminded City Council that the funding was from ARPA and suggested seeing the grant program through as there was a deadline for spending the funds, however, City Council could discuss the acceleration of construction by incentive at next week's Budget Work Session.

Councilmember Alderete Gavito agreed with the Mayor that construction needed to be completed more quickly noting that there were some large Texas Department of Transportation (TxDOT) projects on Bandera and Culebra Roads and perhaps those projects should be considered. She supported the staff proposal and suggested working with TxDOT.

Councilmember McKee-Rodriguez supported staff recommendations regarding the Program using ARPA funds and recommended the creation of a permanent grant fund to assist impacted businesses. He did not think the Program should be preempted or changed into incentives for early completion and recommended holding contractors accountable noting the extensive delays on the N. New Braunfels Street Project and the fact that City Council continued to award that contractor more projects.

Councilmember Rocha Garcia supported inclusion of the Bynum Road Project in the Program and suggested that there would be more interest in the Program if there were more marketing, particularly grassroots and door-to-door outreach. Councilmember Rocha Garcia quoted an OpEd from AJ Rodriguez who stated that small businesses were crucial to the economic health of our state. She recognized that we should not sacrifice safety but also supported timeline acceleration for capital projects.

Councilmember Kaur stated that small businesses supported efforts to increase business such as the Council District 1 Shop Small Holiday Card and incentives for shopping local and most people loved the directional signage on the last Council District 1 projects. Councilmember Kaur agreed that her residents also wanted construction to simply go faster.

Councilmember Kaur recommended faster implementation of the grants programs because businesses were postponing major decisions until they received word on their grant application and requested more transparency on the grant process and scoring matrix reporting for the grants. She suggested using bank statements and sales receipts instead of tax filings to ensure qualification.

Councilmember Kaur requested responses to the surveys from the last grant cycle and recommended more feedback. Councilmember Kaur asked if grant funding could be used for signage. Bradshaw stated that there was already a program for signage separate from the grant. Assistant City Manager Alex Lopez provided an update on the timeline for the program.

Councilmember Courage requested clarification on the calculation to determine the amount of funding a business could receive. Bradshaw stated that grant amounts were based on losses up to \$35,000. He asked why S. St. Mary's Street businesses were not included in the grant. Bradshaw stated that the project had been completed under a previous round of grants. Councilmember Courage recommended improved planning and coordination with local businesses and holding bad contractors accountable.

Councilmember Castillo supported the inclusion of personal net worth in the RFP but wanted to ensure protection of workers' rights, fair wages, and safety. She recognized the multiple outreach methods and supported staff recommendations.

Councilmember Viagran supported moving forward with the Program using ARPA funding and recommended including the Gevers and S. Presa Projects. However, she cautioned that contractors who were failing on one project were still being awarded projects on the South Side. She recommended moving projects in the south, west, and east forward quickly as those areas had historically been underinvested.

Councilmember Whyte agreed that projects needed to be completed quickly but not at the expense of the grant program. He agreed that we needed to stop using bad contractors and suggested selection of contractors based on merit and performance. Councilmember Whyte did not support using the Equity Atlas in scoring for the Construction Mitigation Grant Program because sometimes owners of the business lived in other areas. Assistant City Manager Lopez stated that only the income portion of the Equity Atlas was being utilized and it was tied to the Equity Atlas points and was based on the clientele that visited that location. City Attorney and DEI Director Andy Segovia stated that the low income areas were historically underinvested and the idea was to keep the business open in that area so those residents would benefit from continued services.

Councilmember Castillo commented that there were many factors in the scoring matrix and asked if Public Works tracked when contractors failed to complete projects on time. Director of Public Works, Razi Hosseini, stated that a scorecard had been created and the scores were considered in the next contract award. Councilmember Castillo requested the history and the scorecard of the

contractor discussed related to the N. New Braunfels Project. Hosseini stated that unforeseen conditions were the largest source of delay followed by lack of resources from the contractor. City Manager Walsh stated that the Responsible Bidder's Ordinance codified the practice of considering the contractor's past performance through a scorecard. City Manager Walsh commented that the contractor in question was a firm that had helped save a project even though there were issues on another project, but staff did not recommend bad actors for award of construction contracts.

Councilmember Whyte expressed concern that businesses who lost more revenue would not get the grants because the physical location of the business was included in the scoring matrix through the use of the Equity Atlas.

Councilmember Viagran noted that the grants were funded with ARPA dollars and the COVID Pandemic had disproportionately impacted the South, West, and East Sides of the City as well as low-income neighborhoods. She pointed out that rent on the North Side might be higher so more money to these businesses might be going to landlords rather than businesses.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:28 p.m.

Approved

**Ron Nirenberg
Mayor**

**Debbie Racca-Sittre
City Clerk**