

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



**FINAL  
Meeting Minutes  
City Council A Session**

City Hall Complex  
114 W. Commerce  
San Antonio, Texas 78205

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Thursday, March 13, 2014

9:00 AM

Municipal Plaza Building

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The City Council convened in a Regular Meeting. The City Clerk took the Roll Call as follows:

**Present:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

**Absent:** 1 - Medina

Mrs. Vacek announced that Councilmember Medina was on personal family vacation.

1. The Invocation was delivered by Pastor Bryan L. Thomas, Community Bible Church Brooks City-Base, guest of Councilmember Rebecca J. Viagran, Council District 3.
2. Mayor Castro led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the January 15 - 16, 2014 City Council Meetings

Councilmember Saldaña moved to approve the minutes for the January 15-16, 2014 City

Council Meetings. Councilmember Lopez seconded the motion. The motion prevailed by the following vote:

**Aye:** 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg and Gallagher

**Absent:** 2 - Medina and Krier

### **INDIVIDUAL ITEM FOR STAFF BRIEFING**

#### **2014-03-13-0153**

4. An Ordinance authorizing a Master Lease Agreement with Google Fiber Texas, LLC for the use of City-owned property for the installation of prefabricated telecom equipment shelters. [Carlos J. Contreras, III, Assistant City Manager; Ben Gorzell, Jr., Chief Financial Officer; Rene Dominguez, Director, Economic Development; Hugh Miller, Director, Information Technology Services]

Councilmember Krier recused himself on Item 4 by exiting the Council Chambers and noting that he submitted the recusal forms to the City Clerk.

Rene Dominguez presented information regarding the Lease Agreement with Google Fiber Texas, LLC for the use of City Property for the installation of prefabricated communications equipment shelters. He stated that on February 19, 2014, Google Fiber announced their proposal to build Fiber-to-the-Home (FTTH) Broadband Network in nine Metropolitan Areas including San Antonio. He noted that the final selection of San Antonio was subject to reaching an agreement on various issues. He mentioned that to efficiently deploy its network, Google Fiber would need to install approximately 40 communications equipment shelters throughout the city. He indicated that they had requested access to city-owned property for installation of the equipment shelters.

Mr. Dominguez outlined the Master Lease Agreement that would give Google Fiber access to municipal-owned land across San Antonio for the installation of its 40 communications equipment shelters. He stated that the selection of sites would be mutually agreed upon and that annual rent could reach \$90,000. He illustrated the Deployment Quadrants and stated that staff recommended approval of the Agreement.

Mayor Castro called upon Nazirite Ruben Flores Perez to speak:

Mr. Nazirite Ruben Flores Perez spoke in support of the Master Lease Agreement with Google Fiber Texas. He stated that he had attended the Willie Velasquez Learning Center to utilize the Internet and that Internet Speed should be increased.

Mayor Castro expressed his support and enthusiasm with the prospect of San Antonio becoming a Google Fiber City. He spoke of the importance of Internet Speed to Businesses and Students and lowering the cost of Internet Access for Consumers. He asked of next steps. Mark Strama of Google Fiber Texas replied that next steps would include data collection and performing engineering studies. Mayor Castro thanked Google Fiber Texas for their work.

Councilmember Lopez stated that he was excited about the announcement and asked of the timeline. Mr. Dominguez replied that they could not commit to a specific timeline as it was dependent on any obstacles that they may encounter. He added that they hoped to have a better idea by the end of the Summer. Councilmember Lopez asked if more than 40 Equipment Shelters would be required. Mr. Dominguez responded that they only estimated 40 Equipment Shelters at this time and that their preference was to utilize City-Owned Land for same.

Councilmember Nirenberg expressed his support and stated that this was an important step in bringing the city to the forefront of Digital Technology.

Councilmember Bernal requested a San Antonio-Themed Google Home Page and stated that the project would be transformative for the city.

Councilmember Lopez moved to adopt the proposed ordinance. Councilmember Nirenberg seconded the motion. The motion prevailed by the following vote:

**Aye:** 9 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg and Gallagher

**Absent:** 1 - Medina

**Abstain:** 1 - Krier

### **CONSENT AGENDA ITEMS**

Consent Agenda Items 5, 7, 10, and 12 were pulled for Individual Consideration. Councilmember Saldaña moved to approve the remaining Consent Agenda Items. Councilmember Lopez seconded the motion.

Mayor Castro called upon Mr. Nazirite Ruben Flores Perez to speak:

Mr. Nazirite Ruben Flores expressed support for televising the City Council B Session (Item 5).

Faris Hodge, Jr. submitted written testimony in support of Items 4-7 and noted that he was in favor of making the B Room live broadcast capable (Item 5).

The motion to approve the remaining Consent Agenda Items prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

**Absent:** 1 - Medina

**2014-03-13-0158**

6. An Ordinance authorizing the selection of Bain Medina Bain, Inc. for negotiation and execution of an on-call professional services contract in an amount not to exceed \$1,300,000.00 over a three-year period to provide an assessment of pavement conditions and other services related to city streets and the annual development of the Five Year Infrastructure Management Program. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-03-13-0159**

8. An Ordinance authorizing an Interlocal Agreement with the Port Authority of San Antonio to establish terms and conditions and to authorize payment to the Port Authority in an amount not-to-exceed \$150,000.00 for construction services related to the \$6 million 36th Street Phase IIIB - Billy Mitchell to General Hudnell 2012 Bond Program Project, an authorized Local Agency Management project located in Council District 4 and funded by a Federal Highway Administration grant and 2012-2017 General Obligation Bond funds. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

**2014-03-13-0160**

9. An Ordinance approving the temporary closure of certain streets for the 2014 Fiesta San Antonio celebration; approving the locations, dates and times for the Fiesta Carnival and official Fiesta events with related requirements and conditions including a limited exception of Municipal Code Section 32-30; and approving the Fiesta parade routes. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development Office]

**2014-03-13-0161**

11. An Ordinance awarding a City Council Project Fund grant allocation in an amount not to exceed \$19,436.30 to The Magik Theatre in support of their Tickets to Literacy program. [Edward Benavides, Chief of Staff; Chris Callanen, Assistant to City Council]

**2014-03-13-0162**

13. An Ordinance adjusting the salary of the City Auditor to provide for a performance pay increase. [Robert F. Greenblum, City Attorney]

**2014-03-13-0163**

14. A Public Hearing and consideration of an Ordinance authorizing the reprogramming of \$540,536.00 in Home Investment Partnership funds and \$4,512,653.00 in Community Development Block Grant Funds available from City-wide project completions, cancelled projects and available Section 108 loan repayment funds for eligible activities consistent with the five year Consolidated Plan and the Strategic Plan for Community Development; authorizing the amendment of the FY 2014 Action Plan and Budget; and authorizing the revision of the District 5 REnewSA target area to replace Palm Heights with Collins Garden. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 5:

**2014-03-13-0154**

5. An Ordinance accepting the offer from UNICOM Government, Inc. to make the B-Room in Municipal Plaza “live” broadcast capable by installing television production equipment with a 2 year maintenance support contract for a total cost of \$142,404.50, funded with the Public, Educational, and Governmental Channels Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

Councilmember Gallagher expressed support for making the B Room live broadcast capable and asked if Council Committees would also be televised. Di Galvan responded that the Council Committees could be televised at the direction of the City Council.

Councilmember Nirenberg asked of the funds that would be utilized. Ms. Galvan replied that Public, Education, and Government (PEG) Channels Funds would be used. Councilmember Nirenberg asked of the purchasing process. Ms. Galvan stated that they would utilize the US Community Co-Op which was a benefit for the city. Councilmember Nirenberg stated that he was pleased to support said item which would promote transparency.

Councilmember Viagran asked when it would be implemented. Ms. Galvan responded that the first B Session would be broadcast live during the first meeting in June. Councilmember Viagran expressed her support.

Mayor Castro stated that a great amount of policy formulation occurred during B Sessions and would be positive to broadcast.

Councilmember Nirenberg moved to adopt the proposed Ordinance. Councilmember Bernal seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

**Absent:** 1 - Medina

The City Clerk read the caption for Item 7:

**2014-03-13-0155**

7. An Ordinance authorizing the execution of the Second Amended Interlocal Agreement between The City of San Antonio and Bexar County to amend the County's terms and conditions for regional flood control projects within the city limits of San Antonio as part of the Bexar County Flood Control Capital Improvement Program. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Krier requested an overview of the project. Art Reinhardt stated that this was the second amendment to the Agreement which allowed Bexar County to design and construct Regional Flood Control Projects within the San Antonio City Limits. Councilmember Krier spoke of issues with two subdivisions in the Mud Creek Area and asked if they could be included in future drainage projects. Mr. Reinhardt stated that they could review same with the Technical Committee to help prioritize the projects.

Councilmember Krier moved to adopt the proposed ordinance. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

**Absent:** 1 - Medina

The City Clerk read the caption for Item 10:

**2014-03-13-0156**

10. An Ordinance authorizing the submission of a grant application to the U.S. Department of Health and Human Services Agency for Toxic Substances and Disease

Registry and the acceptance of grant funds in an amount up to \$150,000.00 for Community Health Projects Related to Contamination at Brownfield/Land Reuse Sites for the period September 30, 2014 to September 29, 2015. [Gloria Hurtado, Assistant City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

Councilmember Saldaña requested an overview of the program. Dr. Vincent Nathan stated that they were working in collaboration with the Center City Development Office and would help identify and assess vacant lots or contaminated properties for reuse. He noted that 700 potential Brownfield Sites had been identified by the city. Councilmember Saldaña asked of the Agency for Toxic Substances and Disease Registry (ATSDR). Dr. Nathan replied that the ATSDR would fund the grant and was a part of the Centers for Disease Control and Prevention. Councilmember Saldaña asked if the ATSDR could assist in assessing the appropriateness of Industrial Sites adjacent to homes in his District. Dr. Nathan responded that they could provide technical assistance. Councilmember Saldaña stated that he would like to track how the \$150,000 grant is used if awarded.

Councilmember Lopez asked of the number of Brownsfield Grants applied for by the city. Ms. Lori Houston replied that the city had applied for the Assessment Grant through the Environmental Protection Agency (EPA) in the amount of \$400,000 the past two years but had not been awarded funding. She stated that this year, they received Technical Assistance from the EPA through a partnership with Kansas State and had again applied for said grant. She noted that they had received funds from the Texas Commission on Environmental Quality (TCEQ) to clean up three properties. Councilmember Lopez requested that staff create a document noting which grants were applied for, whether or not they were received, and what impact they have made on the community. He asked of next steps and cleaning properties. Ms. Houston replied that they had performed a few cleanups recently including the Peanut Factory Lofts Project in District 5. She stated that the cleanup process was very expensive and that it was recommended that staff begin by applying for Assessment Grants.

Councilmember Lopez moved to adopt the proposed ordinance. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher

**Absent:** 1 - Medina

The City Clerk read the caption for Item 12:

**2014-03-13-0157**

**12.** An Ordinance awarding a City Council Project Fund grant allocation in an amount

not to exceed \$22,500.00 for the Braesview Enhancements and Implementation Plan.  
[Edward Benavides, Chief of Staff; Chris Callanen, Assistant to City Council]

Councilmember Krier highlighted the recent death of a little girl named Tatyana Babineaux. He added that she was killed by a hit and run driver while walking to Larkspur Elementary School in the Braesview Area. He asked of the safety overlay that would be installed. Mr. Anthony Chukwudolue stated that following the accident, Transportation and Capital Improvements (TCI) Staff evaluated the site and area surrounding Larkspur Elementary School. He reported that TCI recommended infrastructure enhancements to improve vehicular and pedestrian safety to include: 1) Upgrade school zone on Braesview to overhead flashing beacons; 2) Base and pavement repairs at the intersection of Belair and Larkspur; 3) Re-marking 25 crosswalks; and 4) Installation of an Americans with Disabilities Act (ADA) Ramp at the intersection of Braesview and Larkspur with a countdown pedestrian timer. He added that the project was scheduled for completion in July and that the existing infrastructure was not a contributing factor. Councilmember Krier thanked everyone involved and stated that he would continue working with neighborhoods adjacent to elementary schools on safety issues.

Councilmember Nirenberg expressed his support and stated that he had a similar experience in the Medical Center Area. He commended city staff for their efforts and noted that it would be important to address pedestrian safety as a priority in the upcoming budget process.

Councilmember Lopez stated that it was important to be proactive and spoke of the funding approved for the city's Comprehensive Thoroughfare Plan. He noted the need to change driver, bicycle, and pedestrian behavior through education.

Councilmember Krier recognized Brian Gottardy, Northeast Independent School District Superintendent for his partnership.

Mayor Castro commended Councilmember Krier for his responsiveness on said issue and spoke of the efforts to address safety issues around schools.

Councilmember Gonzales spoke of the pedestrian safety and the issues that have occurred in District 5 and stated that there should be more enforcement when such accidents occur.

Councilmember Krier moved to adopt the proposed ordinance. Councilmember Nirenberg seconded the motion. The motion prevailed by the following vote:

**Aye:** 10 - Mayor Castro, Bernal, Taylor, Viagran, Saldaña, Gonzales, Lopez, Nirenberg, Krier and Gallagher



**Absent:** 1 - Medina

**EXECUTIVE SESSION**

Mayor Castro recessed the meeting at 10:25 am into Executive Session to discuss the following:

- A. Discuss legal issues related to collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
  
- B. Deliberations regarding economic development negotiations and discuss related legal issues pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).
  
- C. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).

**RECONVENED**

Mayor Castro reconvened the meeting at 11:58 am and announced that no action was taken in Executive Session.

**ADJOURNMENT**

There being no further discussion, Mayor Castro adjourned the meeting at 11:58 am.

APPROVED

JULIÁN CASTRO  
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC  
CITY CLERK