

AN ORDINANCE 2018-04-12-0269

**APPROVING A NON-EXCLUSIVE 10-YEAR LICENSE AGREEMENT GRANTING HEB THE USE AND OCCUPANCY OF THE RIGHT-OF-WAY AT FOUR DOWNTOWN SITES IDENTIFIED AS 404 SOUTH FLORES, DWYER, CYPRESS TOWER, AND EL PASO, FOR THE PURPOSE OF INSTALLING AND MAINTAINING FIBER OPTIC CABLE FACILITIES TO PROVIDE TELECOMMUNICATIONS SERVICE FOR ITS DOWNTOWN CAMPUS LOCATIONS.**

\* \* \* \* \*

**WHEREAS**, HEB Grocery Company, LP ("HEB") desires the use of certain right-of-way within the City of San Antonio for the purpose of installing and maintaining fiber optic cable facilities to provide telecommunications service to its downtown campus locations; and

**WHEREAS**, the proposed fiber optic cable facilities will cross over or under the City's right-of-way to provide telecommunications connectivity at four sites with the names and locations listed below, and as depicted in greater detail within the License Agreement attached as **EXHIBIT A**;

- 1) "404 South Flores" (near the intersection of E. Cesar Chavez Blvd. and S. Main Ave.);
- 2) "Dwyer" (near the intersection of E. Cesar Chavez Blvd. and Dwyer Ave.);
- 3) "Cypress Tower" (near the intersection of N. Main Ave. and W. Cypress St.); and
- 4) "El Paso" (near the intersection of El Paso St. and S. Flores St.).

**WHEREAS**, the installation, maintenance, and repair of fiber optic cable facilities over or under the public right-of-way will be done in a manner consistent with all City of San Antonio regulations, including the Right-of-Way Management Ordinance and Utility Excavation Criteria Manual; **NOW THEREFORE**:

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

**SECTION 1.** The License Agreement between the City of San Antonio and HEB is hereby approved in substantially the same form as it appears in **EXHIBIT A**.

**SECTION 2.** The City Manager or her designee is hereby authorized to execute the License Agreement and any and all documents necessary to fulfill the purpose and intent of this Ordinance.

**SECTION 3.** Funds generated by this Ordinance will be deposited as per the table below:

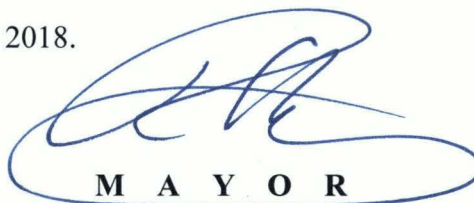
Amount	General Ledger	Internal Order	Fund
\$3,500.00	4202440	209000000046	74001000
\$1,568.59	4202410	233000000014	74001000

**SECTION 4.** Additional funds generated will be deposited into Fund 74001000 Internal Order 209000000046, and GLs 4202440 and 4202410.

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

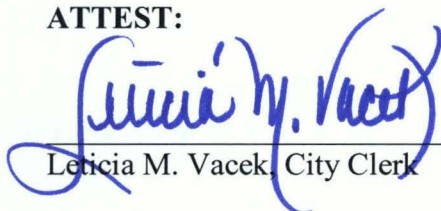
**SECTION 6.** This Ordinance becomes effective immediately upon the receipt of eight affirmative votes, or in the event eight affirmative votes are not received, on the tenth day after passage by majority vote.

**PASSED AND APPROVED** this 12<sup>th</sup> day of April, 2018.




**M A Y O R**  
Ron Nirenberg

**ATTEST:**



Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>15</b>						
<b>Date:</b>	04/12/2018						
<b>Time:</b>	09:22:34 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving an agreement with HEB Grocery Company LP to install and maintain fiber optic cables near the following intersections • E. Cesar Chavez Blvd. at S. Main Ave., • E. Cesar Chavez Blvd. at Dwyer Ave., • El Paso St. at S. Flores St., and • N. Main Ave at W. Cypress St.. for telecommunications services for its downtown campus location. [Ben Gorzell, Chief Financial Officer; Craig Hopkins, Chief Information Officer, Information Technology Services]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor				x		
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4				x		
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6	x					
Ana E. Sandoval	District 7	x					
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				