

City of San Antonio



AGENDA City Council A Session

City Hall Complex
105 Main Plaza
San Antonio, Texas 78205

Thursday, August 15, 2019

9:00 AM

Municipal Plaza Building

The City Council convened in a Regular Meeting. City Clerk Leticia M. Vacek took the Roll Call noting a quorum with the following Councilmembers present:

PRESENT: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Garcia Rocha, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

1. The Invocation was delivered by Pastor Ray D. Brown, Sr., Redland Oaks Community Church, guest of Mayor Ron Nirenberg.
2. Mayor Ron Nirenberg led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes of the City Council Regular Meetings of June 19 – 20, 2019.

Councilmember Treviño moved to approve the Minutes of the City Council Regular Meetings of June 19-20, 2019. Councilmember Courage seconded the motion. The motion to approve prevailed by the following vote:

AYES: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

POINT OF PERSONAL PRIVILEGE

Councilmember Perry recognized Portland Tidwell, Miss Teen United States for winning the National Title. Ms. Tidwell is a District 10 resident and 19 year old sophomore attending San Antonio College. She is pursuing a degree in Broadcasting and Communications. Ms. Tidwell founded Cinderella's Closet which takes gently used formal gowns and donates them to young women in need.

CONSENT AGENDA ITEMS

Items 8, 11A, 11B, 13A, 13B, and 13C were pulled for Individual Consideration.

Mayor Nirenberg called upon Jack M. Finger to speak.

Jack M. Finger spoke in opposition of Item 12 related to the Citywide Bike Project. He stated that bike lanes would cause vehicle traffic jams. He also spoke in opposition of Item 22 approving a Special Improvement District in the ETJ.

Councilmember Treviño highlighted Item 18 and thanked Ms. Sara Olivares whom served as Zoning Commissioner. He congratulated her for her service to the Zoning Commission. Councilmember Treviño also recognized newly appointed District 1 Zoning Commissioner, Summer Greathouse, Associate Attorney at Bracewell Law Firm.

Councilmember Courage moved to approve the remaining Consent Agenda Items. Councilmember Treviño seconded the motion. The motion to approve the remaining Consent Agenda Items prevailed by the following vote:

AYES: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

2019-08-15-0625

5. Ordinance approving a contract with Selrico Services, Inc., to provide emergency catering services for the Office of Emergency Management for an amount not to exceed \$500,000.00. This contract will only be utilized during a State activation which is 100% reimbursable by the Texas Division of Emergency Management. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-08-15-0626

6. Ordinance approving a contract with RHM Chemical, LLC to provide the Aviation Department with water treatment services for the San Antonio International Airport's Central Utility Plant for an annual cost not to exceed \$32,400.00. Funding for this contract is available through the department's Operating and Maintenance Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-08-15-0627

7. Ordinance approving a contract with Crafcro, Inc. for five replacement trailer mounted crack sealer machines used for street maintenance for a total cost of \$406,179.40. Funding in the amount of \$162,471.76 is available from the FY 2019 Equipment Renewal and Replacement Fund, with additional funding subject to the appropriation of funds. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

2019-08-15-0629

9. Ordinance approving the following contracts establishing unit prices for goods and services for an estimated annual cost of \$2,946,000.00: (A) Mosty Brothers Nursery Inc., Site One Landscape Supply Holding LLC, and Sorelle Farms LLC dba Bob Wells Nursery for the supply of trees;
(B) Poppe Automotive Warehouse for automotive & heavy equipment filters;
(C) San Antonio Belting & Pulley Co. Inc. for hydraulic, air, water, fuel, & industrial hose & fittings;
(D) Vulcan, Inc., dba Vulcan Signs, dba Vulcan Aluminum for aluminum signs; and
(E) Casco Industries Inc. for helmets and repair parts for the San Antonio Fire Department.

2019-08-15-0630

10. Ordinance awarding a construction contract including an additive alternate in the amount not to exceed \$557,397.00 to New Age General Contractors, Inc. for the rehabilitation of bridges located on Loyosa Street, W. Market Street, Evans Road and Roland Road in Districts 1, 2 and 10 as part of the Citywide Bridge Program, funded from previously authorized 2012 General Obligation Bonds and included in the 2019-2024 Capital Improvement Program Budget. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]
12. Approving the following items related to the Citywide Bike and Pedestrian Mobility Improvements and San Pedro Sidewalk and Pedestrian Infrastructure projects located in Council District 1: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

2019-08-15-0633

- 12A. Ordinance approving an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT), accepting reimbursement in the estimated amount not to exceed \$1,936,000.00 from TxDOT for construction-related expenses and approving payment in the amount not to exceed \$24,332.00 to TxDOT for administrative oversight of federal funds for the Citywide Bike and Pedestrian Mobility Improvements, a District 1 Pedestrian Mobility & Streets 2017-2022 Bond and federally funded project.

2019-08-15-0634

- 12B. Ordinance approving an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT), accepting reimbursement in the estimated amount not to exceed \$968,000.00 from TxDOT for construction-related expenses and approving payment in the amount not to exceed \$12,166.00 to TxDOT for administrative oversight of federal funds for the San Pedro Sidewalk and Pedestrian Infrastructure, a District 1 Pedestrian Mobility & Streets 2017-2022 Bond and federally funded project.

2019-08-15-0638

14. Ordinance approving the closure, vacation and abandonment of 0.497 of an acre of a portion of improved right-of-way at the northeast corner of Riverside Drive and Roosevelt Avenue, also known as H. F. McCarty Drive located in Council District 3 as requested by 2450 Roosevelt, Ltd. for a fee of \$44,185.00. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

2019-08-15-0639

15. Ordinance approving a grant submission and acceptance, upon award, of up to \$4,600,000.00 from the U.S. Department of Housing and Urban Development's FY 2019 Lead Hazard Reduction Grant Program; approving an in-kind match of up to \$1,693,579.00; and approving a budget and personnel complement of two positions. The ordinance also allows the Director of the Neighborhood and Housing Services Department to execute all necessary documents for the submittal and acceptance of the award. [Lori Houston, Assistant City Manager; Verónica R. Soto, AICP, Director, Neighborhood & Housing Services]

2019-08-15-0640

16. Ordinance approving the submission of a HUD FY 2019 Housing Counseling Grant to the U.S.

Department of Housing and Urban Development and acceptance upon award of an amount up to \$40,000 for the period July 17, 2019 to January 16, 2021, a budget, and Memoranda of Agreement with community agencies in support of community assistance programs when at no cost to the City. [Lori Houston, Assistant City Manager; Verónica R. Soto, AICP, Director, Neighborhood & Housing Services]

17. Approving the following appointments of Councilmembers to Boards, Commissions, and Committees as requested by Mayor Ron Nirenberg for the terms of office concurrent with their respective terms of office unless otherwise indicated. Appointments are effective immediately if eight affirmative votes received, or ten days after appointment if passed with less than eight affirmative votes. [Leticia M. Vacek, City Clerk]

A) Appointing Councilmembers John Courage and Dr. Adriana Rocha Garcia to the San Antonio Housing Trust Finance Corporation.

B) Appointing Councilmembers John Courage and Dr. Adriana Rocha Garcia to the San Antonio Housing Public Facility Corporation.

18. Approving the following Board, Commission and Committee appointments for the remainder of unexpired terms to expire May 31, 2021 or for the terms shown below. Appointments are effective immediately if eight affirmative votes received, or ten days after appointment if passed with less than eight affirmative votes. [Leticia M. Vacek, City Clerk]

ITEM 18A WAS PULLED FROM CONSIDERATION

A) Appointing Gabriel Vasquez (District 3) to the Historic and Design Review Committee.

B) Appointing Summer Greathouse (District 1) to the Zoning Commission.

C) Reappointing Ron Van Kirk (District 10) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2021.

19. Appointing Gretchen Garceau-Kragh, Javier Paredes; and reappointing Theodore E. Davis, Jr., Samuel E. Luna, Jr., Rudolph Rodriguez, and Jeff T. Harvey to the Municipal Golf Association - San Antonio (MGA-SA) Board of Directors for the remainder of unexpired terms of office to expire May 2, 2021. [Leticia M. Vacek, City Clerk]

2019-08-15-0051R

20. Resolution affirming the City of San Antonio's commitment to participate in national opioid litigation and asking the City Attorney to seek necessary State approval for a contingency fee contract for professional legal services. [Andy Segovia, City Attorney]

2019-08-15-0052R

21. Resolution approving the issuance by the Woodloch Cultural Education Facilities Finance Corporation of bonds, loans and/or other obligations for purposes of Section 147(f) of the Internal Revenue Code [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer].

22. Approving the following two items relating to a Special Improvement District located in the extraterritorial jurisdiction of the City: [Lori Houston, Assistant City Manager; Bridgett White, Director, Planning]

2019-08-15-0053R

- 22A. Resolution granting the City of San Antonio's consent to the creation by Bexar County of a Public Improvement District to later be named the Gates Special Improvement District

2019-08-15-0641

- 22B. Ordinance approving a 30 year Development Agreement with MEH Holding Company, Ltd.

CONSENT ITEMS CONCLUDED

INDIVIDUAL ITEM

City Clerk Vacek read the Resolution in its entirety for Item 4:

2019-08-15-0050R

4. Resolution calling for action by the Texas Legislature and United States Congress to address gun violence; and for the City of San Antonio to review available actions and policies at the local level to enhance the safety of San Antonio residents. [Andy Segovia, City Attorney]

Mayor Nirenberg called upon State Representative Roland Gutierrez to speak.

State Representative Roland Gutierrez thanked the City Council for their leadership addressing Gun Violence. He asked the Governor and other State Legislators to call a Special Session to discuss gun violence. He stated that recently; he learned that an individual you can have an AR-15 or AK-47 at age 15, but must be 21 to buy a handgun. He added that he was not trying to take guns away; he just wants a common sense solution such as a gun buy-back and gun lock safety program.

Paul Ruiz, Founder of Alamo Area Democracy Project Dedicated to Ignite the Vote spoke in support of the Resolution. He expressed his support against gun violence and support for sensible gun control laws. He recognized the Council for being at the forefront of fighting discrimination. He stated that the attack on El Paso was an attack on us all and called for an end to gun violence.

Velma Ybarra Member of the Planning Committee of the Institute on Mexican American History of Civil Rights' member of LULAC 4383 of San Antonio; spoke in support of the Resolution. She called for a repeal of current gun laws and thanked City Council for bringing forth the Resolution.

Dr. Gloria Rodriguez expressed her support of the Resolution and thanked the Council for their leadership role for action to address gun violence. She stated that there have been 250 mass shootings in this country and that no other country comes close to having massive killings than that in the United States.

Jack M. Finger spoke in opposition of the Resolution. He stated that when tragedy occurs people want to change laws but changing laws would not prevent criminals from gun violence.

Mayor Nirenberg called out Sandy Hook, Virginia Tech, Parkland, El Paso, Columbine, Gilroy, Sutherland Springs, Dayton, Virginia Beach, Orlando, San Bernardino, and Aurora; stating that he could

go on but needed no written or spoken context to understand the gravity of the situation. Mayor Nirenberg asked the Council to stand in solidarity and urged State and Federal Officials to pass common sense gun legislation. He called on all governments to assist in protecting our community.

Councilmember Viagran stated that this was a somber moment and at the same time; a moment of hope and one of action for all today. She explained that it took the City Clerk Vacek six minutes and 41 seconds to read the Resolution. She explained that in Dayton Ohio; it took 32 seconds to injure 26 people. She stated that the Federal and State Government needed to initiate a gun buyback program and advocate for background checks and ban the sale of military style weapons.

Councilmember Gonzales stated that she has been trying to understand the issues of gun violence in this country as it relates to racism and people of color. She stated that gun violence was a part of our culture that needed to change. She praised Mayor Nirenberg and Council colleagues for initiating the Resolution and to State Representative Gutierrez for trying to change laws to end gun violence.

Councilmember Pelaez stated that the new Jansport Backpack that is level three bulletproof costs \$209 and the less expensive version costs \$154. He stated that these backpacks are on the market for children and that was obscene; but necessary in these days of gun violence. Councilmember Pelaez stated that the Resolution calls for the Governor of Texas, and our Federal Government to have the difficult conversation of gun violence.

Councilmember Treviño stated that everybody connects with the pain of a gun violence story that has affected us. He recognized Mayor Nirenberg for the Resolution calling for action to address gun violence. He stated that thoughts and prayers ceased to be a strategy for gun violence and called for common sense policy.

Councilmember Rocha Garcia explained that according to the Gifford's Law Center six out of ten of the deadliest mass shootings occurred within the last year where 1,500 children were killed. She cited Article 1, Section 3 of the City Charter "it is our duty to cooperate to accomplish any lawful purpose for the interest, welfare, health, morals, comfort, and safety of our residents." She stated that the proposed Resolution as written does exactly what the City Charter calls for; to advocate for the safety and welfare of our residents.

Councilmember Perry stated that violence does not have a place in our society. He explained that we have many laws on the books to protect the public, however; there are elements in society that disregard laws. Councilmember Perry expressed appreciation to State Representative Gutierrez' common sense approach to curb gun violence. He expressed support for calling on the State and Federal Government to come up with solutions to end gun violence and protect the people.

Councilmember Cabello Havrda expressed support for the Resolution to show solidarity with the victims. She implored the public not to normalize gun violence. She stated that all are all affected by gun violence. She urged people not to get caught up in the emotion but to stand up against gun violence.

Mayor Nirenberg stated that he was extremely proud of his Council Colleagues and recognized there different perspectives and backgrounds. He stated that gun violence was a volatile subject to tackle; but the Council has come together in unity to show solidarity to talk about gun violence. He stated that the passage of the Resolution signifies a commitment to action.

Councilmember Viagran moved to approve the Resolution. Councilmember Courage seconded the

motion. The motion to approve prevailed by the following vote:

AYES: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

City Clerk Vacek read the caption for Item 8:

2019-08-15-0628

8. Ordinance approving a contract with Vanguard Modular Building Systems, LLC to replace an existing modular office building located at the Animal Care Services Department facility for an amount not to exceed \$103,841.00. Funding for this contract is available through the FY 2019 General Fund Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

Councilmember Cabello Havrda asked if the modular structures that are currently in place were installed in 2012. Heber Lefgren, Director of ACS stated that was correct and prior to ACS using the modular structure it was being used as a temporary fire station. Councilmember Cabello Havrda asked if there was a long term plan to replace the modular structure. Mr. Lefgren stated the structure has a 20 plus year lifespan.

Councilmember Cabello Havrda moved to approve Item 8. Councilmember Sandoval seconded the motion. The motion to approve prevailed by the following vote:

AYES: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

ABSENT: Rocha Garcia and Gonzales.

City Clerk Vacek read the captions for Items 11, 11A, and 11B:

11. Approving the following items related to the Applewhite Intersection (South of Watson Road) Project located in Council District 3: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

2019-08-15-0631

- 11A. Ordinance approving a Donation Agreement with Hanford-Southport, LLC and Avanzar Interior Technologies, LTD in the amount of \$200,000.00 for the construction of the Applewhite Road Intersection (South of Watson Road) Project, a 2017-2022 Bond funded project.

2019-08-15-0632

- 11B. Ordinance awarding a construction contract including an additive alternate in the total amount of \$976,587.79 to E-Z Bel Construction, LLC for the Applewhite Road Intersection (South of Watson Road) Project, a 2017-2022 Bond funded project.

Razi Hosseini, Interim Director of TCI provided a presentation of the Applewhite Project. He described

the project scope and timeline which begins construction September 2019 and is scheduled to be completed March 2020.

Councilmember Viagran thanked Mr. Hosseini and explained the project was part of the voter approved Bond Project. She also described the proposal was funded by partnership with Avanzar and was intended to alleviate traffic congestion.

Councilmember Viagran moved to approve Items 11A and 11B. Councilmember Treviño seconded the motion. The motion to approve prevailed by the following vote:

AYES: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

City Clerk Vacek read the captions for Items 13, 13A, 13B, and 13C:

- 13.** Approving the following items related to the Quintana Road Project (Harmon Avenue to McKenna Avenue), a federally funded project, located in Council District 5: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

2019-08-15-0635

- 13A.** Ordinance amending an Interlocal Agreement with the Port Authority of San Antonio in the increased amount not to exceed \$2,129,661.83 for the acceptance of funds from Port Authority for its share of construction-related expenses the Quintana Road (Harmon Avenue to McKenna Avenue) project.

2019-08-15-0636

- 13B.** Ordinance awarding a construction contract including one additive alternate in an amount not to exceed \$9,890,322.32 payable to SpawGlass Civil Construction, Inc. in which funds in the amount not to exceed \$4,717,766.93 will be reimbursed by the Texas Department of Transportation (TxDOT); an amount not to exceed \$3,294,528.37 will be reimbursed by the Port Authority of San Antonio; an amount not to exceed \$761,537.30 will be reimbursed by San Antonio Water System (SAWS); and an amount not to exceed \$1,116,489.72 will be reimbursed by CPS Energy for construction of Quintana Road (Harmon Avenue to McKenna Avenue).

2019-08-15-0637

- 13C.** Ordinance approving the closure, vacation and abandonment of a 0.328 acre (14,266 square foot) improved section of Lester Avenue from the alley north of McKenna to the intersection of Quintana Road for the completion of the Quintana Road (Harmon Avenue to McKenna Avenue) Project.

Razi Hosseini, Interim Director of TCI provided a presentation of the Interlocal Agreement and Advanced Funding Agreement approved in 2014. Mr. Hosseini described the following funding:

Agency	Contribution Amount
TxDOT (Federal and State)	\$8.4 million
Port Authority	\$4.4 million
CPS Energy	\$1.1 million

San Antonio Water Systems (SAWS)	\$761,537
Total	\$14.6 million
Alamo Community College District	0.583 acre tract of land along east side on Quintana Road

Mr. Hosseini reported that the timeline of construction would begin September 2019 and scheduled to be completed March 2021.

Councilmember Gonzales highlighted the project and explained that the City was managing the project and no City funds were being used.

Councilmember Gonzales moved to approve Items 13A, 13B, and 13C. Councilmember Andrews-Sullivan seconded the motion. The motion to approve prevailed by the following vote:

AYES: Mayor Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage, and Perry.

CITY MANAGER'S REPORT

23. City Manager's Report

City Manager Erik Walsh reported that the Fire Department established the first ever unique camp held over two weekends, July 20th and July 27th. He stated that Councilmember Rocha Garcia attended the camp designed for girls between ages 14 to 18. He explained that several women firefighters participated in a litany of activities and encouraged over 50 participants to explore the Firefighting career field.

City Manager Walsh recognized David McCary, Director of Solid Waste Management for being awarded a National Award by the Solid Waste Association of North America for Best in Safety Innovation Award. He explained that accidents were reduced by 47% and injuries reduced by 50% which resulted in a 28% reduction of lost workdays. City Manager Walsh thanked Mr. McCary and the Solid Waste team for practicing safety and getting the job done in an efficient manner.

City Manager Walsh recognized Chris Callanen and congratulated him on his retirement after working for the City over 25 years. Mr. Walsh stated that Mr. Callanen had a stalwart presence and a knack of being able to balance his workload and of City Councilmembers. A round of applause and standing ovation ensued as well as congratulatory comments were made by the City Council.

POINT OF PERSONAL PRIVILEGE

Mayor Nirenberg recognized Councilmember Cabello Havrda who would celebrate her birthday on August 17, 2019. The City Council sang Happy Birthday to Councilmember Cabello Havrda.

EXECUTIVE SESSION

Mayor Nirenberg recessed the meeting at 11:27 am for lunch. Mayor Nirenberg reconvened the meeting and recessed into Executive Session at 1:37 pm to discuss the following items:

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 collective bargaining pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D.** Discuss legal issues relating to City Council procedures under the Texas Open Meetings Act pursuant to Texas Government Code Section 551.071 (consultation with attorney)

RECONVENED

Mayor Nirenberg reconvened the meeting at 2:27 pm and announced that no action was taken in Executive Session.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 2:28 pm.

APPROVED

RON NIRENBERG
MAYOR

Attest:

LETICIA M. VACEK, TRMC/CMCMMC
City Clerk