

# City of San Antonio



## AGENDA City Council A Session

City Hall Complex  
105 Main Plaza  
San Antonio, Texas 78205

**Thursday, June 13, 2019**

**9:00 AM**

**Municipal Plaza Building**

The City Council convened in a Regular Meeting On Thursday, June 13, 2019 at 9:00 am. City Clerk Leticia M. Vacek took the Roll Call noting a quorum with the following Councilmembers present:

**PRESENT:** Mayor Nirenberg, Treviño, Hall, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry.

1. The Invocation was delivered by Rabbi Ben Richards, Congregation Agudas Achim, guest of Councilmember John Courage, District 9.
2. Mayor 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 May 15-16, 2019.

Councilmember Treviño moved to approve the Minutes of the City Council Regular Meetings of May 15-16, 2019. Councilmember Hall seconded the motion. The motion to approve prevailed by the following vote:

**AYES:** Mayor Nirenberg, Treviño, Hall, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry.

### **POINTS OF PERSONAL PRIVILEGE**

Mayor Nirenberg thanked the State Delegation for their efforts in the 86<sup>th</sup> Legislative Session in Austin. He recognized Senator Jose Menendez, Chairman and Representative Trey Martinez Fischer, Representative Steve Allison, Representative Diego Bernal, Representative Philip Cortez, Representative Leo Pacheco, and Representative Ray Lopez. Mayor Nirenberg stated that overall the delegation accomplished tremendous success during the challenging Legislative Session.

Representative Martinez Fischer thanked the Mayor and City Councilmembers for their collaborative effort and support at the local level.

Senator Menendez stated that the best training he had was in San Antonio as an Elected Official

representing District 6. He stated that attending neighborhood meetings, speaking to constituents about services they need and talking about front-door issues are what helped him.

Mayor Nirenberg recognized Governor Abbott for signing Tobacco 21 into State Law. He noted the San Antonio City Council was the first City in Texas to adopt Tobacco 21 Rules. He thanked all involved including Dr. Colleen Bridger and the physicians, hospitals, the Bexar County Medical Society, and educators for leading San Antonio to a healthier tomorrow.

Councilmember Sandoval thanked everyone for implementing Tobacco 21 and congratulated all for overcoming the hurdles along the way.

Councilmember Pelaez thanked Dr. Bridger and the team of advocates for implementing Tobacco 21. He recognized CVS Pharmacy for not selling Tobacco products under the same roof as pharmaceuticals.

Councilmember Gonzales stated that young people smoking was on the rise and that an educational piece was needed to explain the dangers of smoking and vaping. She thanked the State Delegation and everyone involved implementing Tobacco 21.

Councilmember Viagran thanked Dr. Bridger and the State Delegation and clarified if Tobacco 21 included vaping. Dr. Bridger responded yes.

Mayor Nirenberg excused himself from the meeting and Mayor Pro Tem Hall presided.

Councilmember Pelaez recognized UTSA President Taylor Eighmy and Lisa Campos, Athletic Director for Item 20 which is a funding agreement with the Roadrunner Athletic Foundation for \$10 million. He noted that the funding would be used for Improvements to the Athletics Complex which was a 2017-2022 Bond Project. He thanked UTSA for their collaborative efforts and dedication to San Antonio.

### **CONSENT AGENDA ITEMS**

Items 23, 28A, 28B, 28C, 29, 36, and 38 were pulled for Individual Consideration. Councilmember Treviño moved to approve the remaining Consent Agenda Items. Councilmember Viagran seconded the motion.

Mayor Pro Tem Hall called upon the citizens registered to speak.

Rebecca Cedillo spoke in favor of Item 35 renaming Perez Street to Robert B. Green Way. She noted that Robert B. Green was the place for public health for the past 130 years and serves everyone in San Antonio and Bexar County.

Nancy Avellar former President of the San Antonio Conservation Society spoke in opposition of the renaming. She stated that Perez Street provides a vital connection to San Antonio's Early 19<sup>th</sup> Century Spanish Heritage and should not be renamed. She further stated that the Perez name honors Lieutenant Colonel Ignacio Perez, Interim Governor of Spanish Texas and Founder of influential ranching family in Early San Antonio.

Jack M. Finger spoke in opposition to Item 41 approving the Ozone Attainment Master Plan. He stated that the City is supposed to comply with Federal Regulations regarding Air Pollution. Mr. Finger spoke in opposition to Item 23 and the Hay's Street Bridge. He stated that it was a public park owned by the City and should not be given away to a private company. Lastly, Mr. Finger spoke in opposition to Item

25 renewing the lease agreement with the Public Theater of San Antonio for management and operations of the San Pedro Playhouse.

Ellen Berky, representative of League of Independent Voters from the San Antonio Metro Area spoke on Item 19 approving the transportation of water using rights-of-way. She urged the Council to contact the Governor and request that he veto HB 1806. Ms. Berky stated that the bill brokers water from San Antonio into the Boerne and Kendall County area. She further stated that SAWS export of the water was unprecedented and would circumvent existing law that protects the Edwards Aquifer. Ms. Berky submitted written testimony on behalf of Cow Creek Groundwater Conservation District regarding same concern.

Councilmember Sandoval welcomed students from Bonham Academy participating in the Mexican-American Studies Summer Program.

Councilmember Sandoval highlighted Item 11 approving a funding agreement for three water quality demonstration projects. She noted that the projects will be testing permeable pavement to protect water quality as well as bioswales.

Councilmember Sandoval highlighted Item 41 approving the Ozone Attainment Master Plan. She thanked city staff and is looking forward to improving air quality and protecting public health.

Councilmember Viagran highlighted Item 13 and 14 which are large drainage projects in District 3 at East Highland Blvd. and South Gevers. She stated that the neighboring area suffered drainage issues for a long time and was proud that a resolution was now in place to alleviate flooding.

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

**AYES:** Treviño, Hall, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry.

**ABSENT:** Mayor Nirenberg.

**2019-06-13-0479**

4. Ordinance approving a three year contract with two one-year renewal options with Western States Fire Protection Co. in an estimated annual amount of \$300,000.00 to provide fire detection and fire suppression systems and equipment services for the San Antonio Airport System. Funding for the first year of this contract is available from the FY 2019 Airport Operating and Maintenance Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0480**

5. Ordinance approving a contract with Fred Clark Electrical Contractor for a Terminal-A ramp lighting upgrade at the San Antonio International Airport for a total cost of \$109,692.00. Funding is available from the FY 2019 Airport Operating and Maintenance Fund. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0481**

6. Ordinance approving a contract with Cintas Corporation for the purchase, inspection and maintenance of portable fire extinguishers located at various facilities throughout the City for an estimated cost of \$90,000.00 annually. Funding for this contract is available through the respective department's FY 2019 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0482**

7. Ordinance approving a contract with FarrWest Environmental Supply, Inc. to provide the San Antonio Fire Department with a Hazmat Rigaku Progeny handheld chemical analyzer for a total cost of \$66,400.00 funded from the 2018 State Homeland Security Program Grant. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0483**

8. Ordinance approving a contract with CW Mill Equipment Co., Inc. to provide the Solid Waste Management Department with a diesel powered, heavy duty, commercial tub grinder for a total cost of \$890,000.00. Funding for this purchase is available from the FY 2019 Equipment Renewal and Replacement Fund Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0484**

9. Ordinance approving a contract with Altman Specialty Plants, LLC for bedding plants for an estimated annual cost of \$123,000.00, available and included in the respective departments' FY 2019 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0485**

10. Ordinance approving a task order to a Job Order Contract to Belt Built, Inc. for improvements to McFarlin Tennis Center located in Council District 1 at San Pedro Springs Park in an amount not to exceed \$500,000.00. This item will appropriate \$500,000.00 from the FY 2019 Deferred Maintenance Program, as part of the FY 2019 – FY 2024 Capital Improvement Program, to the McFarlin Tennis Center project. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0486**

11. Ordinance approving Funding Agreements totaling \$2,053,334.00 for three water quality demonstration projects under the Proposition 1 Edwards Aquifer Protection Program with:  
A) University of Texas at San Antonio in an amount not to exceed

\$798,636.00 for a three year term;

B) University of Texas at San Antonio in an amount not to exceed \$1,035,761.00 for a three year term; and

C) Texas A&M University at San Antonio in an amount not to exceed \$218,937.00 for a one-and-a-half year term.

Funding for this ordinance is available from the 2015 Sales Tax Venue Fund included in the FY 2019 Adopted Capital Improvement Program.

[Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0487**

12. Ordinance approving a Joint Use Agreement with the San Antonio Independent School District for the development and maintenance of a shared use public parking lot to be used as a trailhead located on SAISD property across from Amistad Park for a twenty year term. Funding for development of the public parking lot/trailhead is available in the Proposition 2 Parks Development and Expansion Venue Project Fund included in the FY 2019 – 2024 Capital Improvement Program. SAISD shall be responsible for ongoing maintenance of the parking lot and trailhead. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0488**

13. Ordinance awarding a construction contract to E-Z Bel Construction, LLC in the amount of \$767,942.00 of which \$216,495.50 will be reimbursed by San Antonio Water System (SAWS) for the E. Highland Boulevard Street Reconstruction and Drainage Project, a FY 2019 Capital Improvement Program funded project, located in Council District 3. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0489**

14. Ordinance approving a Professional Service Agreement with HDR Engineering, Inc. in an amount not to exceed \$1,072,373.53 for services related to a Preliminary Engineering Report (PER) and Plans, Specifications and Estimate (PS&E) for the South Gevers Street Drainage Improvement Project, a Storm Water Revenue Bond Project, located in Council District 3. Funds are available from the Storm Water Operating Fund and other debt proceeds included in the 2019-2024 Capital Improvement Budget. [Roderick Sanchez; Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0490**

15. Ordinance approving a funding agreement with Capitol Park Little League in an amount not to exceed \$2,000,000.00 for improvements to the Capitol Little League Baseball Fields, a 2017-2022 Bond Funded Project; and approving a 20-year lease agreement for the new Capitol Little League Baseball Fields located in Council District 10. [Roderick

Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0491**

16. Ordinance approving professional services agreements with ALEO Environmental Enterprises, Incorporated, ATC Group Services LLC, Apex TITAN, Inc. and Terracon Consultants Inc., each in an amount not to exceed \$325,000.00 with each agreement being for a term of one year with an option to renew for On-Call Professional Asbestos, Lead- Based Paint and Mold Consulting Services related to transportation and capital improvement projects citywide. Funding for these contracts are included and available in the FY 2019-2024 Capital Improvements Program budget. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0492**

17. Ordinance awarding a construction contract to All In Construction, L.L.C. in an amount not to exceed \$498,262.31 for the Hemisfair Park Area Street Redevelopment (Hemisfair Boulevard Pavement Replacement Project), a 2012-2017 Bond funded project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0493**

18. Ordinance awarding a construction contract in the amount of \$490,341.00 to Robinson General Contractors, Inc. for the Terminal A Renovations Phase III Sewer Replacement Project, an Interim Airport Financing project, located at the San Antonio International Airport. [Carlos Contreras, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements].

**2019-06-13-0494**

19. Ordinance approving a Programmatic Agreement with the United States Army Corps of Engineers Fort Worth District and the Texas Historical Commission for compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended) for infrastructure maintenance repairs, improvement and stabilization projects in Brackenridge Park under Section 404 of the Clean Water Act located in Council Districts 1 & 2. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0495**

20. Ordinance approving a funding agreement with Roadrunner Athletic Foundation in an amount not to exceed \$10,000,000.00 for improvements to UTSA Athletics Complex, a 2017-2022 Bond Funded Project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

21. Approving the following items related to the Corrugated Metal Pipe Pilot Program: [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

**2019-06-13-0496**

- 21A. Ordinance approving a Professional Services Agreement with RJN Group, Inc., increasing the contract by \$250,000.00 for a total contract value of \$4,500,000.00. to provide the Planning and Programming Phase of the Corrugated Metal Pipe Pilot Program. Funds are included and available in the FY 2019 Storm Water Operating Fund Adopted Budget.

**2019-06-13-0497**

- 21B. Ordinance approving a funding agreement with the University of Texas at San Antonio in an amount not to exceed \$750,000.00 for testing trenchless pipe rehabilitation methods of Corrugated Metal Pipe as part of the Testing Phase of the CMP Pilot Program. Funds are included and available in the FY 2019 Storm Water Operating Fund Adopted Budget.

**2019-06-13-0498**

22. Ordinance approving a property exchange of approximately 0.1254 acres or 5,461 square feet between the City of San Antonio and CPS Energy, for tracts of land of equal value, to facilitate the historical use and maintenance allocation necessary for the new CPS Headquarters in Council District 1. This ordinance will have no fiscal impact to the General Fund. [Lori Houston, Assistant City Manager, John Jacks, Director, Center City Development & Operations]

**2019-06-13-0500**

24. Ordinance approving the Fourth Amendment of the Fairmount Hotel Ground Lease Agreement with Fairmont Investments, LLC, altering the terms for the approval of subleases on the property located at 401 South Alamo. This ordinance will have no fiscal impact. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations]

**2019-06-13-0501**

25. Ordinance renewing the Lease Agreement with The Public Theater of San Antonio for management and operations of the San Pedro Playhouse within San Pedro Springs Park for a term of 10 years beginning on May 31, 2019 and expiring on May 31, 2029. There is no fiscal impact associated with this ordinance. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0502**

26. Ordinance extending the term of the Softball Lease and Management Agreement with the San Antonio Amateur Softball Association for the management, operations and maintenance of designated softball complexes until June 30, 2022. There is no fiscal impact associated with this ordinance. [Colleen Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0503**

27. Ordinance extending the term of the Lease Agreement with the Texas Transportation Museum for management, operations and maintenance to the property at McAllister Park until June 30, 2029. There is no fiscal impact associated with this ordinance. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0508**

30. Ordinance ratifying an application for participation in the ForEveryoneHome initiative, approving a memorandum of agreement with Grounded Solutions Network for anti-displacement and inclusive growth policy strategy consulting services, and authorizing a co-investment in the Initiative from the city as required for participation in the Initiative in the amount of \$75,000.00 to be funded from the FY 2019 Neighborhood and Housing Services Department General Fund Budget. The City will receive \$225,000.00 worth of services from Grounded Solutions Network including a needs assessment, technical assistance, community engagement, policy development, and learning tour participation. [Lori Houston, Assistant City Manager; Verónica R. Soto, AICP, Director, Neighborhood & Housing Services]

**2019-06-13-0042R**

31. Resolution appointing Delores Lenzy-Jones, CPS Energy Chief Financial Officer, to the SA Energy Acquisition Public Facility Corporation Board of Directors for the remainder of an unexpired term of office to expire January 31, 2021. The PFC Board of Directors two-year term of office commenced February 1, 2019 through January 31, 2021. [Leticia M. Vacek, City Clerk]

**2019-06-13-0509**

32. Ordinance amending the professional services agreement with Ricondo & Associates, Inc. who provide financial consulting services for the San Antonio Airport System to increase the contract capacity in the amount not to exceed \$385,000.00 to a revised total amount not to exceed \$1,365,000.00. The agreement is funded from the Airport Operating and Maintenance Fund. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]



**2019-06-13-0510**

33. Ordinance approving a task order with Alpha Building Corp for the build-out of space for the Children's Play Area in Terminal A of the San Antonio International Airport in the amount not to exceed of \$228,000.00. This is a one-time capital expense funded by the FY 2019 Airport Operating and Maintenance Fund. [Carlos Contreras, Assistant City Manager; Russell Handy, Director, Aviation]

**2019-06-13-0511**

34. Ordinance ratifying payment in the amount of \$818,250.43 for Election Services provided by the Bexar County Elections Office for the Saturday, June 8, 2019 Run-off Election for Mayor and Council Districts 2, 4, and 6. Funding in the amount of \$600,000.00 is available in the FY 2019 Municipal Elections General Fund Adopted Budget and \$218,250.00 is authorized to be appropriated from the FY 2019 General Fund. [Leticia M. Vacek, City Clerk]

**2019-06-13-0512**

35. Ordinance approving the renaming of Perez Street to Robert B Green Way, between North Frio Street and IH-35, located in Council District 5. [Roderick J. Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

**2019-06-13-0513**

37. Ordinance amending the merchant banking (credit card) services contract with JP Morgan Chase Bank, N.A. and Paymentech, LLC to extend the term of the contract for an additional year, commencing on July 1, 2019, and ending on June 30, 2020 with the option to renew and extend for one (1) additional one (1) year term under the same terms and conditions. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer]

**2019-06-13-0515**

39. Ordinance extending line-of-duty injury leave for San Antonio Fire Department Firefighter Brad Phipps. [María Villagómez, Deputy City Manager; Charles N. Hood, Fire Chief]

**2019-06-13-0516**

40. Ordinance approving an agreement with Southwest Research Institute to conduct air sampling, analysis and provide ozone mitigation recommendations in an amount up to \$250,000.00 for a one year term with the option to renew for an additional year. Funding for the initial term of the contract is available from the City's FY 2019 General Fund Budget. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Jennifer Herriott, MPH, Interim Director, Health]

**2019-06-13-0517**

41. Ordinance approving the Ozone Attainment Master Plan [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Jennifer Herriott,

**2019-06-13-0518**

42. Ordinance approving multiple tower lease agreements to secure radio tower sites for the installation of radio communications equipment in support of the Alamo Area Regional Radio System used by City of San Antonio Police and Fire Departments, CPS Energy, Bexar County and surrounding participating agencies. Costs for this item will be shared by the entities based on the Interlocal Agreement approved by the City, CPS Energy and Bexar County. [Ben Gorzell, Chief Financial Officer; Craig Hopkins, Chief Information Officer, Information Technology Services]

**2019-06-13-0519**

43. Ordinance approving a license agreement with Unite Private Networks, LLC, a Delaware Limited Liability Company for the use of city rights-of-way for the installation of communications network. Revenue generated by this ordinance is estimated at \$20,000.00 annually and will be deposited into the General Fund in accordance with the FY 2019 Adopted Budget. [Ben Gorzell, Chief Financial Officer; Craig Hopkins, Chief Information Officer, Information Technology Services]

**2019-06-13-0520**

44. Ordinance approving a Development Agreement with GrayStreet Houston - E. 305 Houston Street, LLC for the Grant/Kress Building Rehabilitation project in an amount not to exceed \$1,250,000.00. The project is to be located at 305 and 315 East Houston Street in City Council District 1 and within the Houston Street Tax Increment Reinvestment Zone (TIRZ). [Lori Houston, Assistant City Manager; Veronica Soto, Director, Neighborhood and Housing Services]

**2019-06-13-0521**

45. Ordinance approving a Development Agreement with GrayStreet Travis Garage, LLC for the Travis Garage Rehabilitation project in an amount not to exceed \$1,250,000.00, and approving a Chapter 380 Agreement with GrayStreet Travis Office, LLC for a forgivable economic development loan in an amount not to exceed \$296,000.00 available from the Inner City Incentive Fund FY 2019 Adopted Budget. The project sites are located at 213 E. Travis Street and 711 Navarro Street and within the Houston Street Tax Increment Reinvestment Zone. [Lori Houston, Assistant City Manager; Verónica Soto, Director, Neighborhood and Housing Services]

**2019-06-13-0522**

46. Ordinance approving a Contract for the Sale of Land for Private Redevelopment by the Urban Renewal Agency of the City of San Antonio, doing business as the Office of Urban Redevelopment San Antonio (OUR SA), to Terramark Interests, LLC for a sales price of \$20,000.00 and authorizing reimbursement of eligible expenses in

accordance with the Urban Renewal Plan for affordable/Workforce Housing in an amount of up to \$250,000.00, and other authorized expenses associated therewith; a Neighborhood Improvements Bond Program Project funded by the 2017 2022 General Obligation Bond, located in Council District 5. The property is located in the 700 Block of South Frio. [Lori Houston, Assistant City Manager; Veronica R. Soto, Director, Neighborhood & Housing Services]

**2019-06-13-0523**

47. Ordinance extending the License Agreement with Northeast Youth Soccer Organization for operations and maintenance of the designated sports fields until June 30, 2029. There is no fiscal impact associated with this ordinance. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0524**

48. Ordinance approving a License Agreement with Mac Wylie Golf Center for management, operations and maintenance of a Golf Driving Range at O. P. Schnabel Park for an initial three year term through December 31, 2022, in the amount of \$27,000.00, with renewal options. Revenue generated by this license agreement will be deposited into the General Fund. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0525**

49. Ordinance approving a professional services agreement with Astelle, LLC (dba Work5hop) for consultant services related to the development of the Bandera Road Corridor Plan, in the amount not to exceed \$400,000 as included in the FY 2019 – FY 2024 Capital Improvement Program. [Lori Houston, Assistant City Manager; Bridgett White, Director, Planning]

**2019-06-13-0526**

50. Ordinance approving the partial release of a drainage easement being 0.1673 of an acre (7,285.8 square feet), at 9444 Bandera Road in Council District 7 as requested by D & C Enterprises, L.L.C., Petitioner. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]

51. Approving the following two ordinances relating to the City Tower Garage: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Deputy Chief Financial Officer, Finance]

**2019-06-13-0527**

- 51A. Ordinance approving the parking price model for the City Tower Garage (formerly Frost Parking Garage), effective August 1, 2019

when the City begins operation of the garage.

**2019-06-13-0528**

- 51B.** Ordinance approving a change order to the contract with HUB Parking Technology USA, Inc., formerly CTR Systems, Inc. for the design and installation of a parking revenue control system increasing the original contract in the amount of \$162,198.85, funded by the Parking Repair and Replacement Fund.

**IDA 2019-06-13-0001R**

- 52.** Resolution of the Board of Directors of the City of San Antonio Industrial Development Authority (the “Authority”) approving and authorizing the execution of an Amendment to an Indenture of Trust between the Authority and U.S. Bank National Association, as Trustee, primarily for the purpose of modifying the Interest Rate Formula related to the Series 2015A Refunding Bonds issued under such Indenture for the benefit of the Tindall Corporation. An administrative fee of \$2,500.00, payable by Tindall Corporation, will be deposited into the General Fund in accordance with the FY 2019 Adopted Budget. [Ben Gorzell, Jr., Chief Financial Officer; Troy Elliott, Director of Finance]

**CONSENT ITEMS CONCLUDED**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

City Clerk Vacek read the caption for Item 23:

**2019-06-13-0499**

- 23.** Ordinance authorizing the City Manager to negotiate and execute a Development Agreement with 803 N. Cherry, LLC to include the appropriation of \$600,000 and declaring as surplus and approving the exchange of city-owned real property consisting of approximately 2.00 acres or an 87,120 square feet out of property located at 223 S. Cherry Street in exchange for the acquisition of two tracts of land out of commonly known as 803 N. Cherry Street totaling approximately 1.69 acres or 73,616 square feet from 803 N. Cherry, LLC. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations]

Lori Houston provided a presentation of property exchange for 223 South Cherry and 803 North Cherry. She stated that said item authorizes City Management to negotiate and execute a development agreement with 803 North Cherry, LLC. She added that the item also approves an exchange of two acres of City owned real property located at 223 South Cherry Street in exchange for 1.69 acres of property at 803 and 815 North Cherry Street. Mrs. Houston further stated that the item also appropriates \$600,000 from the inner-City Incentive Fund appropriated for Fiscal Year 2019.

Mayor Nirenberg excused himself from the meeting and Mayor Pro Tem Hall presided.

Mayor Pro Tem Hall called upon the citizens registered to speak.

Graciela Sanchez spoke in opposition of Item 23 regarding the Hays Street Bridge property exchange. She mentioned that the Federal Transportation Equity Act was a possible funding source for the restoration of the Hays Street Bridge. She added that in 2002 the City of San Antonio required the Hays Street Bridge Restoration Group to sign a fundraising contract obligating the group to raise cash and in-kind donations for the Hays Street Bridge project.

Mayor Nirenberg returned and presided over the meeting.

Nicholas Rivard, President of Dignowity Hill Neighborhood Association and 30 year area resident spoke in support of Item 23. He thanked Councilmember Hall and the Mayor for putting together a plan that the community could support in the spirit of compromise.

Andrea Herrera spoke in support of the park space noting that safety was an issue and concern for pedestrians. She stated that it was important to move forward with public green spaces for future generations and the community.

Maria Green, member of the Denver Heights Neighborhood Association Executive Board spoke in opposition on behalf of Board President, Aubrey Lewis and their Executive Board.

Jessica Guerrero, Representative of the Steering Committee for the Climate Action and Adaption Plan spoke in opposition of the land swap. She stated that a vote to approve the Hays Street Bridge Land Swap was a vote against affordable housing.

Cullen Jones spoke in support of the Hays Street Bridge Land Swap. He stated that the Hays Street Bridge was an Iconic Iron Landmark with unique trusses. He added that the ordinance provided an opportunity to uphold and refine the principles of public participation which ensures that the communities' voice was heard.

Antonio Diaz spoke in opposition and stated that swapping one site for another was not right. He added stated that he did not agree with earnings upwards of \$40,000 to be considered someone that can afford housing.

Jack M. Finger spoke in opposition of the Hays Street Bridge being given to a private company. He made mention of the lawsuit filed regarding the Hays Street Bridge.

Judith Vega spoke in opposition of the land swap and stated that their community had won a legal battle at the Texas Supreme Court over the land. Ms. Vega urged the Council not to give developers incentives.

Natasha Hernandez asked all the children in the City Council Chambers to stand up; she added that the children are the future of the City and have a right to stand up for their communities.

Asiko Gomez spoke in opposition of the land swap and thanked the Council for the land but stated that the land already belonged to the people. He urged the City Council not to swap land with developers.

Liz Franklin of Dignowity Hill spoke in favor of the Hays Street Bridge Land Swap. She stated that City Council was challenged with a difficult decision regarding the park and public space. However,

she was conflicted over affordable housing because it was a complex issue.

Bryan Gordon spoke in opposition and stated that the land was not given an adequate review to follow through with the restoration project. He stated that the group wants justice and an honest commitment to the future of accountability and transparency.

Susana Segura invited the youth in attendance to stand at the podium. She spoke in opposition to the item and stated that she was the Mayor and City Council's Court Jester. She stated that the issue was resolved in court.

Yaneth Flores spoke in opposition of the land swap due to the park issue. She stated that the Eastside deserved a park for children and that this would affect residents near Cherry Street.

Lana Montes spoke in opposition stating that she was representing the voice of the people in the community and the children. She stated that the voice of the people had not been heard or represented.

Elva Trevino, Attorney, spoke in opposition regarding the land surrounding the Hays Street Bridge. She noted the City had failed on this item despite the Hays Street Restoration Group signing an Memorandum of Understanding (MOU) to hold them responsible for soliciting donations, labor, and in-kind services. She added that the City breached the MOU and should be held accountable.

Adolfo Segura addressed the Council and stated that he had faith and believed in the Council. He mentioned that the people feel angry and displaced and he felt bad for letting them down.

Araceli Salazar spoke in opposition of the property exchange. She stated that there was a lot of poverty and discrimination and that the rich come to build buildings not parks.

Wanda Perez Torrescano spoke in opposition of the property exchange since the community had fought to protect the Hays Street Bridge. She stated that she was tired of the City prioritizing profit over the communities' needs and affordable housing.

Jasmine Alvarez stated that she was a 14 year old student whom resides in District 2 and spoke in opposition of the property exchange.

Ms. Gonzales stated that the land swap was not a solution and that it was unaffordable. She mentioned gentrification throughout the community and that residents needed a place to go. She noted the importance of the Hays Street Bridge being a Historical Landmark for the Eastside.

Samantha Covarrubias stated that she was a 13 year old student that attends Edgar Allan Poe Middle School. She stated that she has loved the Hays Street Bridge which was a part of her childhood.

Elizabeth Pedrasa stated that she was 12 years old and attended Herff Academy. She stated that the city has not kept their promise and the Eastside would suffer the consequences.

Alfredo Gonzalez, member of the Eastside Neighborhood East Lawn spoke in opposition of the property exchange. He stated that he lived on the Eastside his entire life and that in 2018 many homes were demolished and new expensive homes had been built.

Isabella San Miguel stated that she was in the 6<sup>th</sup> grade at Booker T Washington and had seen the effects

of gentrification in East Lawn and read a poem that she wrote.

Nettie Hinton stated that she turned 80 years old January 2019. She stated that she was born and raised on the corner of Olive and Center Street now known as Dignowity Hill Historic Area. She further stated that her father used to drive her around the block which always included the Hays Street Bridge. She explained that the Hays Street Bridge was brought to San Antonio from Uvalde and then came the railroad years later. Ms. Hinton noted that there were two major arteries in and out of downtown, Commerce Street and Houston Street which were regularly blocked by train traffic. Thus the need for the Hays Street Bridge and she continued to speak of her family, childhood and younger years growing up in the area.

Harmony Wilson stated that she was 12 years old and attended Legacy Middle School. She spoke on behalf of the Eastside youth expressing the rapid housing changes while the homeless population increased.

Councilmember Hall moved to approve Item 23 with the change to Section 2E that he read; “the future use of 803 and 815 N. Cherry will be as a public park, dedicated to the Historic Hays Street Bridge, which stands as a significant reminder of eighteen-century wrought-iron engineering, of the railroad industry, and of the San Antonians who worked on the railroads, many of whom were African-American or Mexican-American. Any improvements to the park will include at minimum drinking water, restroom facilities, trees and/or shade structures, picnic areas, and information about the Bridge. City staff and the District 2 City Council Office will seek input from community partners to include the residents of Hays Street Bridge Restoration Group, Dignowity Neighborhood, and other stakeholders, and surrounding neighborhoods to develop the park’s design which will consider how to protect the view of the bridge and from the bridge as it relates to 803 and 815 N. Cherry. A funding plan for both capital and operations will be developed and identified on or before December 31, 2019. The process will be done in accordance with the City’s public participation principles.” Councilmember Sandoval seconded the motion.

Councilmember Saldana stated that this was his last City Council Meeting. He recognized residents of District 2 and stated that the Hays Street Bridge was an iconic Bridge that was important to San Antonio residents. He stated that he was the only member on City Council today that was part of the 2012 decision adding that decision he was part of was wrong. At the time, the City Council believed that the Eastside needed more investment. He further stated that the Hays Street Bridge Restoration Group, led by Nettie Hinton pounded the streets and made headlines that touched a nerve. Councilmember Saldana explained that the message was that San Antonio residents cared about the Hays Street Bridge. He questioned if this deal included the land swap correct an injustice that was done in 2012. He further stated that development occurred too quickly and the speed and velocity impacted the Eastside negatively. He expressed his support today was his way of cleaning up the mess and correct the wrong decision that he was part of in 2012. He stated that the goal was for the land to be open and public, the view protected; and the motion by Councilmember Hall accomplishes that goal.

Councilmember Pelaez praised Councilmember Hall for taking on tough issues while serving District 2. He stated that Councilmember Hall was an accomplished mediator as evidenced by the compromise.

Councilmember Treviño thanked Councilmember Hall for taking on this difficult subject and the affordable housing component. He thanked the citizens who spoke and recognized shared values as the City continues to grow and heal together. He recognized Ms. Nettie Hinton for working on the Hays Street Bridge and for caring about the community. He also recognized the children that spoke and

thanked them for being part of the process.

Councilmember Brockhouse noted that this was his last City Council Meeting and that he was in agreement with Councilmember Saldana. He stated that he was against the entire process and always felt that this was public land and that the City made a series of mistakes. He stated that this Item was rushed and that City Councilmember Elect Andrews-Sullivan was capable of handling said Item. He stated that he would not support the item because of the process.

Councilmember Courage congratulated and thanked Councilmember Hall for working with the stakeholders and the community. He noted that it was special that many young people spoke from their heart. He stated that he was a teacher for 27 years and that he taught facts and truth. He added that the land swap had great potential to become affordable housing.

Councilmember Gonzales asked Lori Houston to explain the funding agreement for said item. Mrs. Houston explained that the funding that was being appropriated was \$600,000 to be used to clean up 223 S. Cherry. Approximately \$250,000 would be used for environmental remediation and about \$250,000 for demolition of the structure while \$100,000 would be for the re-platting and surveying of the property among other expenses. Councilmember Gonzales expressed concern over the continued maintenance and funding of existing parks. She stated that she supported the item and the future land use of the property being used as a public park.

Councilmember Sandoval thanked everyone that spoke on the Item. She recognized the power of the Hays Street Bridge Restoration Group and noted that people come to San Antonio to view the iconic Bridge and take photos. She asked Ms. Houston what would happen if City Council did not approve the Item. Ms. Houston responded that if City Council voted no, the City would not have the property exchange with Mitch Meyer; thus, he could start the permit process at 803 N. Cherry.

Councilmember Viagran thanked Nettie Hinton for her diligence and fight to preserve the Hays Street Bridge. She also thanked everyone involved especially Councilmember Hall for his work on the matter.

Councilmember Perry thanked Councilmember Hall for reaching a compromise with organizations to reach consensus on the Hays Street Bridge.

Mayor Nirenberg thanked Councilmember Hall and Councilmember Saldana for his words of atonement. He stated that there were two overarching questions; what do we do first to overcome an injustice in our community; and two, how do we make sure that this never happens again. He stated that “the arrogance of a bureaucracy lies not in people with bad intentions making bad decisions, it is that people with the best intentions making no decision at all.” Mayor Nirenberg added that Councilmember Hall was satisfying the first question by resolving the issue today. He stated that the second question would be resolved if the City Council learns from the Hays Street Bridge and makes sure that people’s land remain the people’s property. Lastly, he stated that a process would be developed for public participation that ensures that any conveyance of public property comes with robust comprehensive public input. Councilmember Hall entered into the record documents related to the Hays Street Bridge which will be filed with the Office of the City Clerk which will be made part of this meeting.

The motion on the floor to approve the motion with conditions made by Councilmember Hall prevailed:

**AYES:** Mayor Nirenberg, Treviño, Hall, Viagran, Saldaña, Gonzales, Sandoval, Pelaez, Courage, and Perry.



**NAY:** Brockhouse.

City Clerk Vacek read the captions for Items 28A, 28B, 28C:

- 28.** Approving the following ordinances related to the Linear Creekway Development Project. Funding for the acquisitions of these properties for the Linear Creekways Development Project is available in the Proposition 2 Parks Development and Expansion Venue Project Fund included in the FY 2019 - FY 2024 Capital Improvement Program. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**2019-06-13-0504**

- 28A.** Ordinance approving the acquisition through negotiation or condemnation of approximately 19.511 acres in NCB 18589 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project to be a public project for public use; declaring public necessity for the acquisition of privately owned real property; and authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings. The estimated fair market value of this land acquisition is \$13,700.00.

**2019-06-13-0505**

- 28B.** Ordinance approving the acquisition through negotiation or condemnation of approximately .5 acres of property in NCB 18557 located along French Creek in Council District 7 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the French Creek Greenway Trail project to be a public project for public use; declaring public necessity for the acquisition of privately owned real property; and authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings. The estimated total fair market value of the land for these acquisitions is \$5,000.00.

**2019-06-13-0506**

- 28C.** Ordinance approving the acquisition through negotiation or condemnation of approximately 4 acres of property in NCBs 15092 and 18828 located along Culebra Tributary Creek in Council District 6 for the Linear Creekway Development Project, a 2015 Proposition 2 Sales Tax Initiative funded project; property being in the City of San Antonio, Bexar County, Texas; declaring the Culebra Tributary Creek Greenway Trail project to be a public project for public use; declaring public necessity for the acquisition of privately owned real property;

and authorizing the City Attorney and/or designated special counsel to file eminent domain proceedings. The estimated fair market value for this land acquisition is \$40,000.00.

Councilmember Sandoval moved that the City of San Antonio authorize the use of the power of eminent domain to acquire privately owned real property for a public use project for the French Creek and Culebra Tributary Greenway Trail Projects, by acquiring the following properties described by the City Clerk and incorporated as part of this motion. Councilmember Saldaña seconded the motion.

City Clerk Vacek read the property description: The privately owned properties for temporary and permanent interests located in San Antonio, Bexar County, Texas, City Council Districts 6 and 7 are out of the following:

- A.(FRENCH CREEK GREENWAY) – New City Block 18589 (19.511 acres)
- B.(FRENCH CREEK GREENWAY) –New City Block 18557 (.5 acres)
- C.(CULEBRA TRIBUTARY GREENWAY) – New City Blocks 15092 and 18828 (4 acres)

She added that the properties are depicted in the exhibits of each respective Ordinance and are incorporated as part of this motion.

The motion to approve Items 28A, 28B, and 28C prevailed by the following vote:

**AYES:** Mayor Nirenberg, Treviño, Viagran, Saldaña, Brockhouse, Sandoval, Pelaez, Courage, and Perry.

**ABSENT:** Hall and Gonzales.

City Clerk Vacek read the caption for Item 29:

**2019-06-13-0507**

- 29.** Ordinance approving the application and acceptance upon award of up to \$1,500,000.00 from the 2019 Regional Catastrophic Preparedness Grant Program and approving a personnel complement of 2 positions. This action also authorizes the City of San Antonio to execute any and all documents related to the application and acceptance of this grant. [María Villagómez, Deputy City Manager; Charles N. Hood, Fire Chief]

Councilmember Pelaez asked if the grant was going to be coordinated with Alamo Area Council of Governments (AACOG). Division Chief, Patrick Zepeda replied, yes. Councilmember Pelaez added that the grant would be focused on housing vulnerable populations during emergencies.

Councilmember Pelaez moved to adopt the Ordinance for Item 29. Councilmember Treviño seconded the motion. The motion to approve Item 29 prevailed by the following vote:

**AYES:** Mayor Nirenberg, Treviño, Hall, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry.

City Clerk Vacek read the caption for Item 36:

**2019-06-13-0043R**

- 36.** Resolution supporting the United States-Mexico-Canada Agreement (USMCA), an update to the North American Free Trade Agreement (NAFTA). [Carlos Contreras, Assistant City Manager; Rene Dominguez, Director, Economic Development]

Councilmember Viagran requested a brief presentation. Mr. Rene Dominguez summarized the impact NAFTA had with NAFTA 2.0 and the USMCA that had been negotiated. He stated that the item was presented at the Inter-Governmental Relations (IGR) Meeting on June 12, 2019 where full Council approval was recommended.

Mayor Nirenberg stated that he was always been supportive of free and fair trade. He further stated that it was important to push for higher labor standards, higher wages, and the right to organize.

Councilmember Viagran moved to approve the Resolution for Item 36. Councilmember Saldaña seconded the motion. The motion to approve prevailed by the following vote:

**AYES:** Mayor Nirenberg, Treviño, Hall, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Pelaez, Courage, and Perry.

City Clerk Vacek read the caption for Item 38:

**2019-06-13-0514**

- 38.** Ordinance approving an affiliation agreement with the Alamo Colleges District (ACD) in which the San Antonio Fire Department will provide clinical practice experience to ACD students in support of the San Antonio College's Allied Health and Nursing Education curricula. [Maria Villagómez, Deputy City Manager; Charles N. Hood, Fire Chief]

Councilmember Hall announced that he had submitted Recusal Forms on said item to the City Clerk and exited the Council Chambers.

Councilmember Viagran moved to adopt the Ordinance for Item 38. Councilmember Treviño seconded the motion. The motion to approve prevailed by the following vote:

**AYES:** Mayor Nirenberg, Treviño, Viagran, Saldaña, Gonzales, Brockhouse, Sandoval, Courage, and Perry.

**RECUSED:** Hall.

**ABSENT:** Pelaez.

## **CITY MANAGER'S REPORT**

### **53. City Manager's Report**

Mr. Walsh recognized City Crews that mobilized after a storm hit late in the day. Crews with TCI, Solid Waste, Parks & Recreation, Development Services, Code Compliance, and the Fire Department worked over the course of five days including the weekend. He thanked them for working to clean up the City after a strong storm passed through the City, mainly the downtown area.

Mr. Walsh reported that Forbes released it's first-ever list of America's Best Employers by State and nearly 200 companies were ranked among the best in Texas. He stated that Forbes partnered with Statista to find which companies across the United States are best-liked by employees. He announced that HEB, USAA, Valero, and the City of San Antonio made the Top 20 List. He stated that he was proud that the City of San Antonio was considered one of the Best Employer and thanked the Council and all City Employees for their hard work and dedication.

## **ADJOURNMENT**

There being no further discussion, Mayor Nirenberg adjourned the meeting at 1:41 pm.

**APPROVED**

**RON NIRENBERG**  
MAYOR

Attest:

**LETICIA M. VACEK, TRMC/CMC/MMC**  
City Clerk