

**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, October 30, 2014

9:00 AM

Municipal Plaza Building

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

**Present:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

1. The Invocation was delivered by Pastor David Perez, Iglesia Bethel, guest of Councilmember Rey Saldaña, District 4.
2. Mayor Taylor led the Pledge of Allegiance to the Flag of the United States of America.
3. Approval of Minutes for the Special Meeting of September 2, 2014 and the Meetings of September 3-4, 2014.

Councilmember Gallagher moved to approve the Minutes for the Special Meeting of September 2, 2014 and the Meetings of September 3-4, 2014. Councilmember Viagran seconded the motion. The motion prevailed by the following vote:

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

**Absent:** 1 - Toney

4. Councilmember Ray Lopez will be sworn-in as Mayor Pro-Tem, serving the term October 30, 2014 through January 8, 2015.

City Clerk Leticia Vacek administered the Oath of Office to Councilmember Lopez to serve as Mayor Pro Tem for a term beginning October 30, 2014 through January 8, 2015.

### **ACTION ITEMS FOR STAFF BRIEFING**

The City Clerk read the caption for Item 5:

#### **2014-10-30-0818**

5. An Ordinance authorizing approval of the proposed water supply agreement between the Vista Ridge Consortium and the San Antonio Water System. [Ben Gorzell, Chief Financial Officer; Robert Puente, President and CEO, San Antonio Water System]

Ben Gorzell presented on the Vista Ridge Water Supply Agreement noting that the water source for the project was the Carrizo-Wilcox and Simsboro Aquifers in Bureson County. He stated that SAWS would receive 50,000 acre-feet of water per year by 2020. He noted that the initial contract term was 30 years with an option for an additional 30-year term. He indicated that SAWS would only pay for the water it received. He outlined the Project Timeline for the 142-mile pipeline in which Development would occur for 30 months and Construction would take 42 months. He highlighted key contract terms noting that SAWS would invest \$100 Million and Vista Ridge would invest \$844 Million in Infrastructure. He mentioned that a 5-Member Operations and Maintenance (O&M) Budget Panel would determine the Annual O&M Expense Budget. He stated that SAWS would acquire the pipeline at the end of the initial contract and that the Interest Rate was capped at 6.04%. He spoke of the proposal costs noting that the Total Estimated Annual Cost in 2020 was between \$111.8 Million – \$117.2 Million. He stated that they projected a System-Wide Rate Increase of 18-19% in 2020.

Robert Puente, President and CEO of SAWS stated that the Vista Ridge Water Supply Project would provide a Long Term Non-Edwards Water Supply for San Antonio. He spoke of the importance of protecting the Edwards Aquifer and ensuring a lifeline supply of water for Ratepayers. He stated that SAWS would continue to be a Nationwide Leader in

### Conservation Efforts.

Mr. Puente spoke of SAWS Infrastructure Needs, noting that they had enhanced the Affordability Program and were proactively targeting Census Tract Neighborhoods to provide education and outreach. He mentioned that the budget for Affordability Programs had increased 75%. He noted that the Tiered Rate Structure and Lifeline Supply Rate were being reviewed by the Rate Advisory Committee.

Mr. Puente stated that SAWS would only pay for water made available. He noted that the Project would allow SAWS to shift risks away from the Ratepayers. He added that there was ability in the contract to purchase Vista Ridge Bonds and that the Interest Rate would be capped. He indicated that the water was needed to address population growth and would allow SAWS to develop regional wholesale customers. He spoke of Local Environmental Benefits noting that it would support the Edwards Aquifer Habitat Conservation Plan and allow for more Aquifer Storage and Recovery (ASR). He mentioned the benefits for Regional Neighbors and noted that Local Landowners were in support of the Project through 3,400 leases. He thanked the City Council for their support.

Mayor Taylor called upon the citizens registered to speak.

Anayanse Garza, Jessica Guerrero, and Nadeahata Garza representing Fuerza Unida were called upon to speak. City Clerk Vacek stated that she received their written statement requesting the City Council to vote against the Vista Ridge Project and distributed it to Mayor Taylor and the City Council for their review.

Larry Anthis, Past Chair of the North Chamber addressed the City Council in support of the Vista Ridge Project. He spoke of the importance of diversifying the water supply and promoting economic growth.

Becky Oliver, Frank Sitterle, and Dominik Alogi representing the Greater SA Builders Association addressed the City Council in support of the Vista Ridge Project. Ms. Oliver stated that the water would address future growth and that buying water at current prices was the right thing to do. Mr. Alogi added that he was the Owner and Operator of Pest Shield Pest Control and was also supportive of the Vista Ridge Project. Mr. Sitterle stated that he represented Sitterle Homes in support of the Vista Ridge Project.

Maria Berriozabal addressed the City Council and spoke of previous water projects that voters had not approved. She expressed concern with the cost and magnitude of the Vista Ridge Project.

Mu Son Chi representing Texas Organizing Project addressed the City Council. He

expressed concern that they did not have enough information about the Vista Ridge Project and asked that the vote be delayed.

Anne Wyatt stated that she was a Resident of District 4 and Member of the Texas Organizing Project. She expressed concern that there had not been more focus on Water Conservation.

Cheryl Hamilton addressed the City Council and requested that the vote on the Vista Ridge Project be delayed. She expressed concern that enough information had not been provided and that there had not been enough citizen input.

Alan Montemayor addressed the City Council in opposition to the Vista Ridge Project noting concerns with the size and cost of the project.

Marina Saenz, Vanessa Sandoval and Graciela Sanchez representing Esperanza Peace and Justice Center noted their opposition to the Vista Ridge Project. Ms. Sanchez spoke of previous water projects that were not approved by the voters of San Antonio and expressed concern that the business community continued to support projects that were not supported by voters. Ms. Saenz expressed concern with the negative impact that the projected rate increase would have on working class citizens.

John Agather stated that he was speaking with the San Antonio Hispanic Chamber of Commerce in support of the Vista Ridge Project.

Manny Pelaez addressed the City Council in support of the Vista Ridge Project. He stated that it was a good opportunity to purchase tomorrow's water at today's price and that the project would help create jobs and support economic development.

Noah Garcia stated that he served as a Member of the San Antonio Hispanic Chamber of Commerce and was supportive of the Vista Ridge Project. He noted that a new source of water would provide for the city's continued success.

Jose Maria Gonzales expressed support for the Vista Ridge Project and stated that it was a well-balanced, researched, and transparent project.

Patricia Stout, Chair of the San Antonio Hispanic Chamber of Commerce addressed the City Council in support of the Vista Ridge Project. She stated that water was essential and that it was important to secure water for the future.

Ramiro Cavazos, President and CEO of the San Antonio Hispanic Chamber of Commerce addressed the City Council in support of the Vista Ridge Project. He stated that water was

essential for workforce development and that the project had been transparent.

LeRoy Cavazos addressed the City Council in support of the Vista Ridge Project. He spoke of the five paradigms of Public Administration and stated that SAWS had performed due diligence on the Project.

George Rice stated that he was a Hydrologist speaking on behalf of AGUA in opposition to the Vista Ridge Project. He noted that he had requested information from SAWS regarding the effects of the Project and had not received a response.

Jim Reed, President of the San Antonio Medical Foundation addressed the City Council in support of the Vista Ridge Project. He stated that it was important to have ample water supply for the Health Care Industry and that the benefits outweighed the risks.

Stephanie Stephens addressed the City Council in support of the Vista Ridge Project. She stated that she had four children and wanted to ensure that there was an adequate water supply for their future.

Lou Fox, Assistant to the President at the University of the Incarnate Word addressed the City Council in support of the Vista Ridge Project. He stated that SAWS and City Staff had performed an excellent analysis of the Project and that it would help stimulate the economy.

David McGee, Chairman of the Board for the San Antonio Greater Chamber of Commerce addressed the City Council in support of the Vista Ridge Project. He spoke of the great economy and quality of life and stated that it was important to have a diverse water supply.

Richard Perez, President and CEO of the San Antonio Greater Chamber of Commerce read a Letter of Support for the Vista Ridge Project from Incoming Board Chair, Henry Cisneros.

Coy Armstrong, President-Elect of the Real Estate Council of San Antonio addressed the City Council in support of the Vista Ridge Project. He stated that it was important to have sufficient water supplies to address economic growth and job opportunities.

Jim Leonard addressed the City Council in support of the Vista Ridge Project. He commended SAWS Leadership for their negotiation of the contract and stated that the Project was environmentally friendly.

Scott Whisenant, Vice-President of StrucSure Risk Management Group addressed the City Council in support of the Vista Ridge Project. He stated that he had moved from the Dallas Area because he felt that San Antonio was the next great Boom Town.

Eiginio Rodriguez addressed the City Council in opposition to the Vista Ridge Project. He expressed concern that water was being taken from other parts of the State.

Scott Farrimond representing the Responsible Growth Alliance addressed the City Council in support of the Vista Ridge Project. He stated that an adequate water supply would help convince employers to move to or stay in San Antonio.

Vanessa Quezada addressed the City Council in opposition to the Vista Ridge Project. She expressed concern with the impact to ratepayers and requested that the vote be delayed in order to provide additional information to the community.

Gerald Ripley addressed the City Council in opposition to the Vista Ridge Project. He stated that millions of dollars could be saved if SAWS paid a lower interest financing rate and expressed concern with increased water rates.

Margaret Day, Chair of the Alamo Group of the Sierra Club addressed the City Council in opposition to the Vista Ridge Project. She expressed concern that additional formal hearings had not been held to allow citizen input and asked of Water Conservation Efforts.

Nazirite Ruben Flores Perez addressed the City Council and expressed concern that contaminated water from other areas could be pumped to San Antonio.

David Klar addressed the City Council in opposition to the Vista Ridge Project. He stated that additional water was not needed at this time and that developers should stop including grass in their developments.

Joseph C. Windham addressed the City Council in opposition to the Vista Ridge Project and asked that the City Council delay the vote so that questions can be answered.

Russell Seal addressed the City Council in opposition to the Vista Ridge Project. He stated that he was confused about the Project and was not sure of the effects it would have on the community.

Susana Segura asked Laura Rios to speak on her behalf. Ms. Rios addressed the City Council in opposition to the Vista Ridge Project noting concerns that the earth was being exploited. She spoke in support of Water Conservation and asked that the vote be delayed in order to better educate the community.

Rhett Smith addressed the City Council and requested that the vote on the Vista Ridge Project be delayed.

Jack M. Finger addressed the City Council in opposition to the Vista Ridge Project. He expressed concern with excess water and increased rates.

Arturo Trejo representing South West Worker's Union addressed the City Council in opposition to the Vista Ridge Project. He expressed concern that water would be taken from other communities and with increased water rates.

Verna Dement, Landowner in Lee County addressed the City Council in opposition to the Vista Ridge Project. She expressed concern that her well could dry up and stated that SAWS should not take water that it does not need.

Michelle Gangnes, Landowner in Lee County addressed the City Council in opposition to the Vista Ridge Project. She stated that the vote on the Project should be delayed so that additional information can be gathered.

John Clamp representing the San Antonio Hotel and Lodging Association addressed the City Council in support of the Vista Ridge Project. He stated that their Board of Directors fully supported the Project as it would provide a long-term and cost-effective water supply.

City Clerk Vacek stated that written testimony had been received from Centro San Antonio and Bill Greehey of NuStar in support of the Vista Ridge Pipeline Project.

Mayor Taylor asked Mr. Puente to address several concerns that were raised. She asked how many customers would be covered by the Lifeline Rate Structure. Mr. Puente replied that the Rates Advisory Committee (RAC) has held numerous meetings over the past year and were waiting on data regarding the Vista Ridge Project. Mayor Taylor asked of Abengoa's Debt Rating. Mr. Puente responded that Abengoa's Balance Sheet and Credit Rating was not being used to finance the Project. Mayor Taylor asked of the financial review process and if Abengoa was making improvements to their Debt Rating. Mr. Puente reported that SAWS had performed due diligence regarding Abengoa and their financial background. He indicated that they have many projects throughout the world and employ 26,000 individuals. Mayor Taylor asked of the Desal Plant and if said technology could be expanded at other SAWS Sites. Mr. Puente responded that they would begin construction on the largest inland Brackish Plant in the nation that would be built in the three phases. He stated that the first and second phases would utilize water solely within Bexar County and felt that the third phase could also be accomplished using same. Mayor Taylor asked what SAWS was doing to limit risk to the Recharge Zone. Mr. Puente responded that they were reviewing their Utility Service Agreements in an effort to lower the risk of bad growth. He added that they would follow the city's policies related to growth. Mayor Taylor asked of the Environmental Review Process. Mr. Puente responded that Vista Ridge would have to

receive permits and meet Regulatory Functions required by Local, State, and National Governments.

Mayor Taylor provided Historical Context noting the Applewhite Project and the Toyota Plant. She noted that San Antonio was a National Leader in Water Conservation and that Water Policy has become the single public issue that residents care most about. She added that given the continued growth; SAWS must continue to develop innovative measures. She stated that she supports the Vista Ridge Project as water is only going to become more expensive.

Councilmember Krier thanked Mr. Puente and Berto Guerra, Board Chair for their negotiations and transparency on the Vista Ridge Project. He asked why the City Council should not delay a vote on the Project. Mr. Berto Guerra spoke of the importance of implementing the Project and stated that rates could continue to rise if not approved at this time. Councilmember Krier read a letter from Robert D. Labrutta, Brigadier General of the Joint Base San Antonio (JBSA) Military Installations (Randolph, Fort Sam Houston, Camp Bullis, and Lackland) in support of the Vista Ridge Project. Their letter stated that their current water restrictions were having a dramatic, negative impact on their grounds, trees, housing and facility foundations, and were increasing the overall fire safety hazard on JBSA. He wrote that he was pleased to see the City of San Antonio considering alternative water supplies for the San Antonio Region. He noted that having a more diverse water supply in the area could reduce dependence on the Edwards Aquifer and was hopeful that it would benefit JBSA. Mr. Guerra stated that they stood ready to work with the Military Bases in San Antonio on their water supply. Councilmember Krier spoke of the importance of recruiting new jobs and maintaining current jobs in San Antonio.

Councilmember Lopez asked of the Project Timeline. Mr. Gorzell explained that if the Project was approved today; they would begin Commercial Close with the execution of the contract. He explained that the Development Phase could take up to 30 months and anticipated Financial Close within 18-30 months. He stated that Vista Ridge would incur most of the expenses during this timeframe. He noted that either party could terminate the contract for convenience during the first 30 months with each party responsible for reimbursement costs which were capped at \$40.1 Million to Vista Ridge and \$2 Million to SAWS. He added that the Construction Phase would take 42 months and the Operation Phase was contracted for 30 years. Councilmember Lopez stated that he was pleased that risks were mitigated and commended SAWS for their work. He spoke of the importance of oversight and communication of the Project and asked of Water Conservation. Mr. Puente stated that they would embrace the concept aggressively and continue said efforts.

Councilmember Nirenberg thanked everyone for their work and commented that all of the water in Texas was other people's water by virtue of laws. He stated that it was important

to engage SAWS in the City's Comprehensive Plan noting that determining growth patterns was relative to the Project. He noted that the viability of San Antonio has always rested on the reliability of water and that the Vista Ridge Project was the most ambitious water diversification effort in the history of the city. He spoke of the efforts thus far to protect the Edwards Aquifer Recharge Zone and mentioned that the ability to supply water was the foundation upon which jobs would be created and businesses attracted. He stated the four criteria that he required to support the Project: 1) Fiscally Responsible; 2) Reaffirm commitment to Conservation; 3) Must maintain values of Regional and Environmental Stewardship; and 4) Intense public scrutiny and process.

Councilmember Saldaña stated that this had been a long and complicated process and thanked everyone for their due diligence. He asked of the water rights of the Landowners. Mr. Puente replied that Local Officials were responsible for the protection of their Aquifer and could limit pumping if necessary. He stated that SAWS would only pay for water it received. He noted that the Landowners had leases and would be compensated for the water. Councilmember Saldaña asked of the Lifeline Rate and Affordability Programs. Mr. Puente outlined the 10 Programs that could assist individuals to pay their bills and stated that the Lifeline Rate would benefit low water users. Councilmember Saldaña asked of Conservation Efforts. Mr. Puente reaffirmed his and SAWS' commitment to conservation and stated that it was part of the Water Management Plan.

Councilmember Medina asked of risk mitigation. Mr. Puente stated that both parties had the option to terminate the contract for convenience within the first 30 months. He noted that a great amount of initial investment would be made by the Vista Ridge Project and they would incur the greatest risk. Councilmember Medina asked of the potential rate impact. Mr. Gorzell replied that they projected a system-wide rate increase of 18-19% in 2020 which would result in a 16% increase for residential customers.

Councilmember Gonzales asked about the projected rate increase. Mr. Gorzell explained that the average bill would increase from \$55.72 to \$76.12 by 2020 without the Vista Ridge Project. He noted that the bill would increase to \$88.22 by 2020 if the Vista Ridge Project is approved and explained that both projections assumed no water sales to other parties. Councilmember Gonzales expressed concern with the rate increases noting that SAWS had other projected rate increases related to other projects. Mr. Gorzell indicated that the other rate increases were built into the projections. Councilmember Gonzales stated for the record that if the Vista Ridge Project was approved today; it would not authorize a 16% in 2020. Mr. Puente confirmed that they were not authorizing a 16% increase today and stated that SAWS would continue to provide the City Council with updates regarding increases. Councilmember Gonzales asked if the Affordability Programs were in line with projected growth. Mr. Puente replied that he felt they were. Councilmember Gonzales requested that the one-time assistance programs be increased to four times per year. She

expressed concern with the lack of outreach and public education on the Project. She asked of the amount of the SAWS Budget dedicated to education and outreach. Mr. Doug Evanson replied that \$2.4 Million was dedicated to Public Affairs which included outreach initiatives and education. Councilmember Gonzales asked of incentivizing growth in areas that have not kept up with the current pace. Mr. Puente stated that they could and currently utilized Impact Fee Waivers to address same.

Councilmember Viagran asked of a Tiered Rate Structure recommended by the RAC. Mr. Puente replied that there was already a Tiered Rate Structure and the RAC was looking to add one for the lowest water users. Councilmember Viagran asked of the safeguards that were in place should Abengoa not meet its obligations. Mr. Puente responded that the City's Tax Base was not at risk and that ratepayers would fund the Project. Councilmember Viagran asked that the water policies and ordinances be looked at regarding the potential growth over the Edwards Aquifer.

Councilmember Toney thanked the residents from all Counties that participated in the discussion of the Project. He commended Mr. Puente for answering his questions and attending neighborhood meetings. He also recognized Mayor Taylor for her support of the Project and understanding the importance of water for growth. He noted that he too was concerned with the impact of rate increases but felt SAWS was sensitive to the concerns and working to address them.

Councilmember Gallagher commended SAWS in regard to their public outreach efforts and stated that he was pleased with the tours that they had hosted. He stated that the comments made for the low income people in this city were very valid and should be addressed. He noted that the vote on the Project should not be delayed as it could cause interest rates to increase. He added that water was critical to the Military Base Installations in the city which must be preserved.

Councilmember Bernal added his support for the Project and spoke of the importance of preserving Military Installations. He noted that they should keep the most vulnerable in the community in mind regarding rate increases.

Mayor Taylor stated that the Project fulfills the longstanding goals of protecting the Edwards Aquifer and diversifying the water supply. She stated that a vote today should not be the end of a serious and focused discussion about what kind of future is desired for San Antonio.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

**RECESSED**

Mayor Taylor recessed the meeting at 1:14 pm to break for lunch and announced that the meeting would resume at 2:30 pm.

**RECONVENED**

Mayor Taylor reconvened the meeting at 2:30 pm and addressed the Consent Agenda Items.

**CONSENT AGENDA ITEMS**

Items 8, 15, 24, 26, and 30 were pulled for Individual Consideration. Councilmember Bernal moved to approve the remaining Consent Agenda Items: 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31A and 31B. Councilmember Toney seconded the motion.

Mayor Taylor called upon Mr. Jack M. Finger to speak.

Mr. Jack M. Finger addressed the Council in opposition to the Catering and Concessions Services Agreements with the RK Group and ARAMARK Sports and Entertainment Services (Item 21) due to campaign finance contributions they provided to the City Council. He also noted that he was opposed to the Task Order Contract for Bike Facilities with Flasher Equipment Company (Item 29) noting that bids were not solicited for the project.

Faris Hodge, Jr. submitted written testimony in favor of Items 4-17, 20-26, and 28-30. He wrote in opposition to Items 18, 19, 27, and 31.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

**2014-10-30-0819**

6. An Ordinance authorizing a contract with Transtar Energy Company LP d/b/a Clean Energy, to operate, maintain, and repair a compressed natural gas refueling facility that services the City's CNG refuse truck fleet for an estimated annual cost of

\$160,875.00, funded with the FY 2015 Solid Waste Management Operating Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-10-30-0820**

7. An Ordinance authorizing a contract between the City and San Antonio Spurs LLC d/b/a Spurs Sports & Entertainment, LLC for advertising promoting the City's residential recycling program for an amount not to exceed \$135,650.00, from the FY 2015 Solid Waste Management Operating Budget. [Peter Zaroni, Deputy City Manager; David W. McCary, Director, Solid Waste Management]

**2014-10-30-0822**

9. An Ordinance authorizing a contract with Kimley-Horn and Associates, Inc. for the purchase, configuration, implementation, training and ongoing support for software to replace the current Advanced Traffic Management System used to manage the City's traffic signal system infrastructure for a total cost not to exceed \$1,244,000.00, funded in the Capital Improvement Program for the Traffic Signal System Modernization Program. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-10-30-0823**

10. An Ordinance authorizing a change order to a contract with Swank Sports, LLC d/b/a AstroBuilders to reach an accord on the delivered turf and to provide all labor, material and equipment for additional portable artificial infill turf for the Alamodome for the U.S. Army All-American Bowl in the amount of \$120,849.49. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-10-30-0824**

11. An Ordinance authorizing the following contracts establishing unit prices for goods and services for an estimated annual cost of \$47,000.00: (A) Kinloch Equipment & Supply, Inc. for Elgin Sweeper parts and service, and (B) Casares Sand Pit & Trucking for sand products. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-10-30-0825**

12. An Ordinance approving an amendment up to \$389,876.35 to the \$71,588,000.00 design build contract for Hausman Road with Sundt Construction, Inc. to fully fund the construction budgeted portion of the Huesta Creek greenway trail segment, a Proposition 2 (2010) Sales Tax revenue funded project, located in Council District 8. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-10-30-0826**

13. An Ordinance, for the construction of Hardy Oaks Boulevard, from Stone Oak Parkway to Knights Cross Drive, accepting the lowest responsive bid and awarding a construction contract to DNT Construction LLC, including two (2) additive alternates, in an amount of \$3,317,277.86 of which \$73,998.95 will be reimbursed by SAWS and \$70,481.18 will be reimbursed by CPS Energy, a 2012-2017 Bond funded Project, located in Council District 9. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-10-30-0827**

14. An Ordinance accepting the lowest responsive bid and awarding the FY 2015 - FY 2016 Curb Ramp Indefinite Delivery Construction Contract in an amount not to exceed \$683,777.00, of which San Antonio Water Systems will reimburse approximately \$31,000.00 for necessary adjustments to its existing infrastructure, to FD Concrete, LLC, for the construction of curb ramps and related Americans with Disabilities Act compliant sidewalk improvements across the City in conjunction with the Street Maintenance Program. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

**2014-10-30-0829**

16. An Ordinance amending the lease agreements with three Farmers Market tenants, Jagtiani International, Magali Silver International and Merchants Fruit Company, and executing a patio license agreement with Alamo Trolley. [Ed Belmares, Assistant City Manager; Felix Padron, Director, Culture and Creative Development]

**2014-10-30-0830**

17. An Ordinance designating the Chief of Police as the Authorized Official for the Police Case Management System grant awarded by the Office of the Governor, Criminal Justice Division. [Erik Walsh, Deputy City Manager; William P. McManus, Chief of Police]
18. Consideration of the following Board, Commission and Committee appointments for the remainder of unexpired terms of office to expire May 31, 2015, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment; or for terms and effectiveness as otherwise indicated below: [Leticia M. Vacek, City Clerk]

A) Appointing James R. Evetts (District 9) to the Transportation Advisory Board.

B) Appointing Madeline Delagarza (District 2) to the San Antonio Youth Commission.

C) Reappointing Lora D. Eckler (District 6) to the San Antonio Public Library Board of Trustees for the remainder of an unexpired term of office to expire September 30, 2016.

D) Reappointing Heberto Gutierrez (Mayoral) to the Bexar Metro 911 Network District Board of Managers for the remainder of an unexpired term of office to expire February 28, 2016.

19. Reappointing George W. Peck, and Andrea Rodriguez; and appointing Bradley Carson, George McNair, and Aaron J. Seaman to the Planning Commission for the remainder of unexpired terms of office to expire October 6, 2016 [Leticia M. Vacek, City Clerk]
20. Appointing Arthur J. Downey and Nicholas A. Guinn to the Joint City/County Citizens Bond Oversight Commission for the remainder of unexpired terms of office to expire May 31, 2016 [Leticia M. Vacek, City Clerk]

**2014-10-30-0831**

21. An Ordinance authorizing amendments to the catering and concessions services agreements at the Henry B. Gonzalez Convention Center with the RK Group L.L.C. and at the Alamodome with ARAMARK Sports and Entertainment Services of Texas, L.L.C. extending the agreements by 3 months and 5 months, respectively, and providing for a six month renewal option, due to lengthened solicitation processes for new contracts for these services. [Ed Belmares, Assistant City Manager; Michael Sawaya, Director, Convention and Sports Facilities]

**2014-10-30-0832**

22. An Ordinance authorizing an Extension and Fourth Amendment of the Alamodome Advertising License Agreement with Bottling Group, LLC d/b/a Pepsi Beverages Company to extend the term for 90 days through February 22, 2015, with up to three additional 90-day extensions and estimated revenue to the City for the entire extension period of \$79,968.00. [Ed Belmares, Assistant City Manager; Michael Sawaya, Director, Convention and Sports Facilities]

**2014-10-30-0833**

23. An Ordinance authorizing agreements related to the San Antonio Metropolitan

Health District's Tuberculosis Prevention and Control Program with the University of Texas Health Science Center at Tyler which include two agreements in a cumulative amount of up to \$343,268.00 for physician services for the period ending September 30, 2015 with options to renew, and an Agreement for consultation services for the period ending December 31, 2015, with options to renew. [Erik Walsh, Deputy City Manager; Dr. Thomas L. Schlenker, Director of Public Health]

**2014-10-30-0835**

25. An Ordinance authorizing an amendment to the existing Landa Gardens Master Plan Agreement with the Landa Gardens Conservancy. [Gloria Hurtado, Assistant City Manager; Ramiro Salazar, Director, Public Library]

**2014-10-30-0837**

27. An Ordinance approving a Bexar County Tax Abatement within the boundary of the Midtown Tax Increment Reinvestment Zone. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning and Community Development]

**2014-10-30-0838**

28. An Ordinance authorizing an Interagency Participation Agreement with CPS Energy to transfer ownership of electric vehicle charging equipment used by the Center City Development and Operations Department and the Library Department in support of CPS Energy's existing network of electric charging stations. [Edward Benavides, Chief of Staff; Douglas Melnick, Chief Sustainability Officer]

**2014-10-30-0839**

29. An Ordinance authorizing a \$239,000.00 change order to the existing \$957,420.00 Task Order Contract for Bike Facilities with Flasher Equipment Company to facilitate the installation of additional bike facilities through this contract. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

31. Consideration of the following two item relating to CPS Energy financial matters: [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

**2014-10-30-0841**

- 31A. An Ordinance authorizing the issuance of City of San Antonio, Texas Electric and Gas Systems Variable Rate Junior Lien Revenue Refunding Bonds, Series 2015A in the aggregate principal amount, when combined with the principal amount of certain concurrently issued bonds, not to exceed \$255,000,000; providing for the payment of the principal of and interest on the bonds, together with certain currently outstanding obligations, by a junior lien on and pledge of the net revenues of the City's Electric

and Gas Systems; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrars agreement, tender agent agreement, purchase contract, and escrow agreement; complying with the requirements of the depository trust company; delegating the authority to certain members of the City Public Service Board Staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date; and

**2014-10-30-0842**

- 31B.** An Ordinance authorizing the issuance of City of San Antonio, Texas Electric and Gas Systems Variable Rate Junior Lien Revenue Refunding Bonds, Series 2015B in the aggregate principal amount, when combined with the principal amount of certain concurrently issued bonds, not to exceed \$255,000,000; providing for the payment of the principal of and interest on the bonds, together with certain currently outstanding obligations, by a junior lien on and pledge of the net revenues of the City's Electric and Gas Systems; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrars agreement, tender agent agreement, purchase contract, and escrow agreement; complying with the requirements of the depository trust company; delegating the authority to certain members of the City Public Service Board Staff to execute certain documents relating to the sale of the bonds; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date.

**CONSENT ITEMS CONCLUDED**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the caption for Item 8:

**2014-10-30-0821**

- 8.** An Ordinance authorizing the City to utilize a cooperative contract with Barcodes, Inc., to provide the Solid Waste Management Department with a mobile, handheld solution to capture and report against violations such as non-compliant activities as they are discovered by SWMD route inspectors for a total cost of \$130,180.04, funded with the FY 2015 Solid Waste Management Operating Budget. [Ben Gorzell, Chief Financial Officer; Troy Elliott, Director, Finance]

Councilmember Bernal asked if this system would be used to cite individuals that may not recycle properly. Mr. David McCary stated that the technology would be used to leverage efficiency and educate the community on proper recycling. He added that there would not be any fines or penalties assessed.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 15:

**2014-10-30-0828**

- 15.** An Ordinance, on behalf of CPS Energy, authorizing the acquisition, through negotiation or condemnation, of interests in (acres) land sufficient for the CPS Energy Bulverde Substation and Transmission Project of approximately 52.07 acres, 26 easement parcels and one fee owned parcel of privately-owned real property, located outside of the City of San Antonio in Comal and Bexar Counties, declaring it to be a public use project. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]

Councilmember Krier moved that that the City of San Antonio authorize the use of the power of eminent domain to acquire property for the public use project for the CPS Bulverde Project by acquiring the following property described by the City Clerk attached to the Ordinance and incorporated as part of this Motion. Councilmember Gallagher seconded the motion.

City Clerk Leticia Vacek read the property description:

The properties consist of the following: Permanent Electric transmission and distribution line easements as well as fee simple title of certain real property out of County Blocks 4860, 4861, 4862, 4863, 4864, 4865 and 4866 located in Bexar County, Texas; and out of the Agapita Gaytan Survey No. 194, Abstract 174, the Guadalupe Herrera Survey No. 192, Abstract 206, the Luciano Bulverda Survey No. 195, Abstract No. 27 located in Comal County, Texas. These properties are depicted and more particularly described in Exhibits A-1 through A-29 attached to the Ordinance and incorporated as part of this Motion.

The motion prevailed by the following vote:

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 24:

**2014-10-30-0834**

- 24.** An Ordinance approving an agreement with CPS Energy for permanent access to high-speed communications broadband lines. [Ben Gorzell, Chief Financial Officer; Hugh Miller, Director, Information Technology Services]

Councilmember Nirenberg highlighted the project and requested that staff provide additional information. Mr. Hugh Miller stated that this was the second phase of an effort that was implemented with CPS Energy in 2007. He noted that the City of San Antonio had collaborated with CPS Energy to share their fiber network and build a digital optical network. He indicated that it was primarily built for City Communications Services. He mentioned that the Agreement would provide continual rights for the usage of four to eight strands of fiber which provides the City with long term protection. He stated that it would also allow the City to offer network services for governmental entities to enhance their communication networks. Councilmember Nirenberg asked if the contract provided the City with use in perpetuity. Mr. Miller confirmed that it did. In response to Councilmember Nirenberg, he added that they were finishing out the network that had been designed five to seven years ago. Councilmember Nirenberg stated that he was pleased that they would be able to connect major institutions for an advantage in economic development.

Councilmember Viagran asked of an impact to Google Fiber. Mr. Miler replied that they were complimentary and that the shared network with CPS Energy was strictly used for City and other Governmental Services. He noted that Google Fiber was built specifically for consumers. Councilmember Viagran asked of the Governance Structure. Mr. Miller replied that there was a Governance Committee that provided oversight of the work with the fiber to ensure that there was no negative impact to either organization.

Councilmember Bernal expressed his support but noted that there was still much work to be done to ensure access to every part of the city.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 26:

**2014-10-30-0836**

- 26.** An Ordinance authorizing the naming of a trail at Panther Springs Park to “Wyatt’s Way”. [Gloria Hurtado, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

Councilmember Krier stated that this was a very important item in District 9 especially due to the circumstances behind it. He commended the Wilderness Oak Alliance of Homeowners for bringing forth the naming of the entrance trail in memory of Wyatt McDaniel. He noted that 7-Year Old Wyatt was killed when a hill of dirt collapsed on him when he was playing outside the family’s Equestrian Center in North Bexar County. He recognized Wyatt’s Mom, Lara McDaniel who was present.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

The City Clerk read the caption for Item 30:

**2014-10-30-0840**

- 30.** An Ordinance authorizing an Interlocal Agreement between the City of San Antonio and Bexar County in the amount of \$4,000,000 and the acceptance of funds from Bexar County for improvements to the City’s \$24,606,000 Seeling Channel Drainage Project Phase II, a 2012-2017 General Obligation Bond Project, located in Council District 7 [Peter Zaroni, Deputy City Manager, Mike Frisbie, Director, Transportation & Capital Improvements]

Councilmember Medina highlighted the project and asked of Phase II. Mike Frisbie replied that it was a Regional Project funded through the 2012 Bond. He stated that construction would begin this summer and was scheduled for completion by the end of 2016.

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

**Aye:** 11 - Mayor Taylor, Bernal, Toney, Viagran, Saldaña, Gonzales, Lopez, Medina, Nirenberg, Krier and Gallagher

- 32. City Manager's Report**  
A. Bond Refunding Transaction  
B. Library Update

A. Mrs. Sculley provided preliminary information regarding the General Obligation Refinancing Transaction that City Council approved on October 9th for interest cost savings. She stated that the bonds were scheduled to be priced the week of November 17th by a syndicate led by Siebert Brandford Shank as Senior Book Running Manager, Frost National Bank as Co-Senior Manager, and RBC Capital Markets and Southwestern Capital Markets as Co-Managers. She noted that the refunding transaction was estimated to produce total savings of \$7,168,632 with annual savings estimated at \$550,000 in FY 2015 and an average of \$661,000 per year from FY 2016 through FY 2025. She reported that net present value savings on the transaction was estimated to be \$6,540,258 or 11.62% of the refunded obligations. She noted that Coastal Securities, Inc. and Estrada Hinojosa & Company, Inc. were serving as Co-Financial Advisors, and Bracewell & Giuliani LLP and LM Tatum, PLLC were serving as Co-Bond Counsel. She indicated that closing and delivery for the Bonds was anticipated on Tuesday, December 16th. She stated that since April 2012, the City had completed six refunding transactions for interest cost savings resulting in total gross savings of \$47.3 Million and net present value savings of \$39.3 Million.

B. Mrs. Sculley reported that the previous week on Tuesday, the San Antonio Public Library had partnered with the Aviation Department to unveil new Digital Library Kiosks at the San Antonio International Airport. She stated that the two Digital Library Kiosks were the first of their kind in an Airport and allowed the Library's Contents to be accessed on personal mobile devices. She noted that the Library had partnered with Overdrive, a worldwide leader in full-service digital media distribution, to produce the kiosks. She mentioned that San Antonio Public Library Cardholders visiting a Digital Library Kiosk could quickly access the Library's entire digital collection via a 55-inch interactive screen. She added that the Library had debuted the first-ever temporary Library Card Feature, available from OverDrive, for out-of-town visitors or for residents who did not yet have a San Antonio Public Library Card. She stated that the Digital Library Kiosks were graciously funded in partnership with the Friends of the San Antonio Public Library and thanked them for their continued support.

### **EXECUTIVE SESSION**

Mayor Taylor recessed the meeting into Executive Session at 3:09 pm to discuss the following:

A. 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).

B. 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).

C. DISCUSS LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

D. DISCUSS LEGAL ISSUES RELATED TO THE CITY'S SOLICITATION OF SERVICES PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

E. DISCUSS LEGAL ISSUES RELATING TO MUNICIPAL COURTS PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).

**RECONVENED**

Mayor Taylor reconvened the meeting at 4:30 pm and announced that no action was taken in Executive Session.

**ADJOURNMENT**

There being no further discussion, Mayor Taylor adjourned the meeting at 4:30 pm.

APPROVED

IVY R. TAYLOR  
MAYOR

ATTEST:

LETICIA M. VACEK, TRMC/MMC  
CITY CLERK