

**CITY OF SAN ANTONIO  
DEPARTMENT OF ASSET MANAGEMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**CONSENT AGENDA**  
**ITEM NO. 38**

**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**DATE:** Thursday, December 15, 2005

**SUBJECT:** S.P. No. 1230 - Request to install fiber cable over and across Broadway Ave., between Sommers Dr. and Fox Hollow to link Northeast Independent School District (NEISD) facilities.

**PETITIONER:** Northeast Independent School District (NEISD)  
Attn: Steven Emilienburg  
8961 Tesoro Drive, Ste. # 517  
San Antonio, Texas 78217

**SUMMARY AND RECOMMENDATION**

This Ordinance will authorize a ten (10) year term License Agreement to the Northeast Independent School District to install fiber cable over and across Broadway Ave., between Sommers Dr. and Fox Hollow, located in Council District 10, for a total consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting a license to install fiber cable over and across Broadway Ave., between Sommers Dr. and Fox Hollow, as shown on attached Exhibit "A". The fiber cable crossing will allow the Northeast Independent School District to link the Academy of Creative Education facility to the Regency Pace Elementary School. This link will provide for faster and more reliable communication within the school complex, located in Council District 10.

**POLICY ANALYSIS**

This action is consistent with the City Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City.

**FISCAL IMPACT**

The City will collect \$5,000.00 for this license to use Public Right of Way.

**COORDINATION**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

**SUPPLEMENTARY COMMENTS**

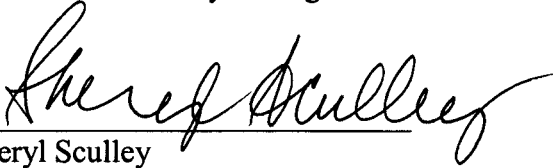
The City of San Antonio's Planning Commission will consider this request at its regular meeting of 12/14/2005 and its finding will be presented to City Council on 12/15/2005.



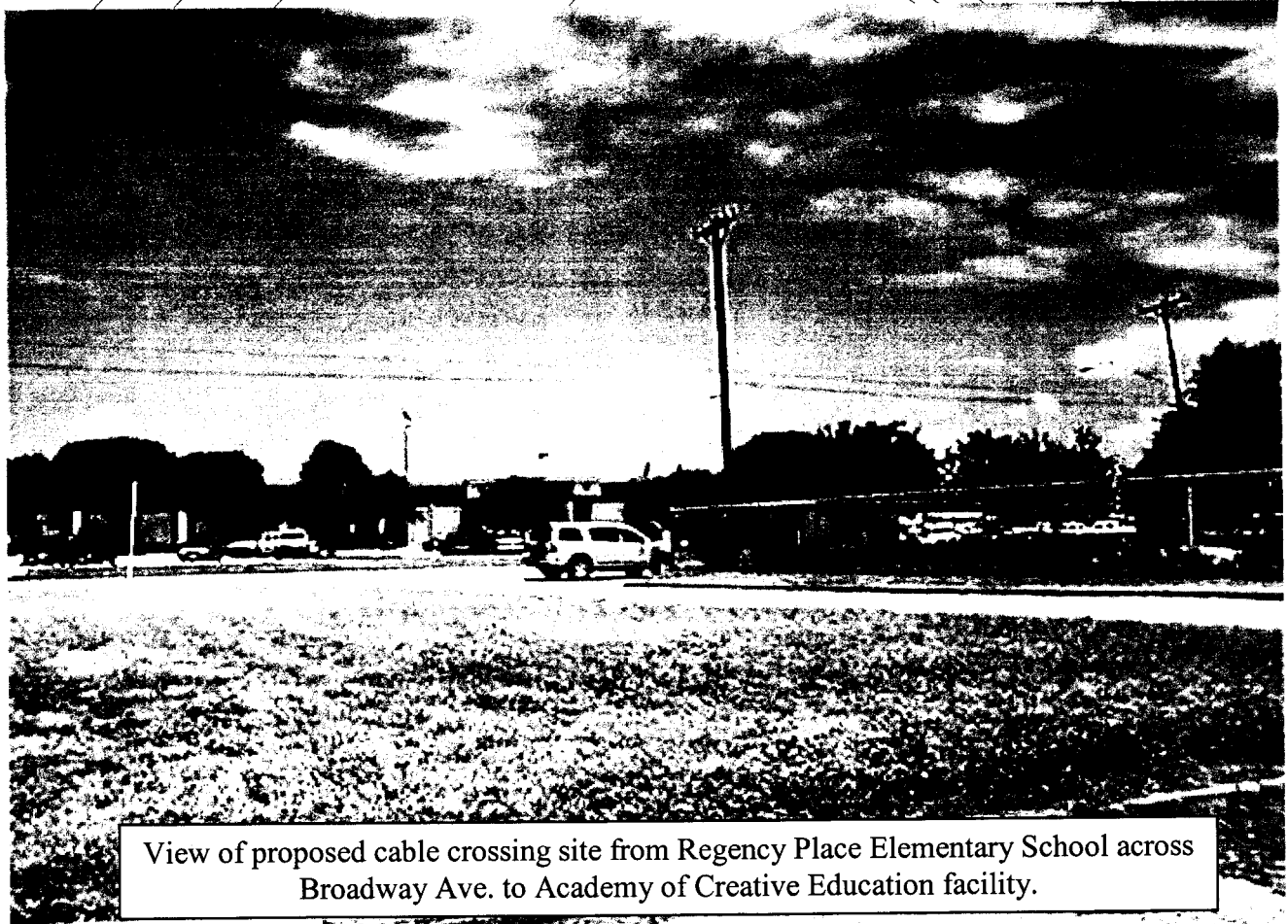
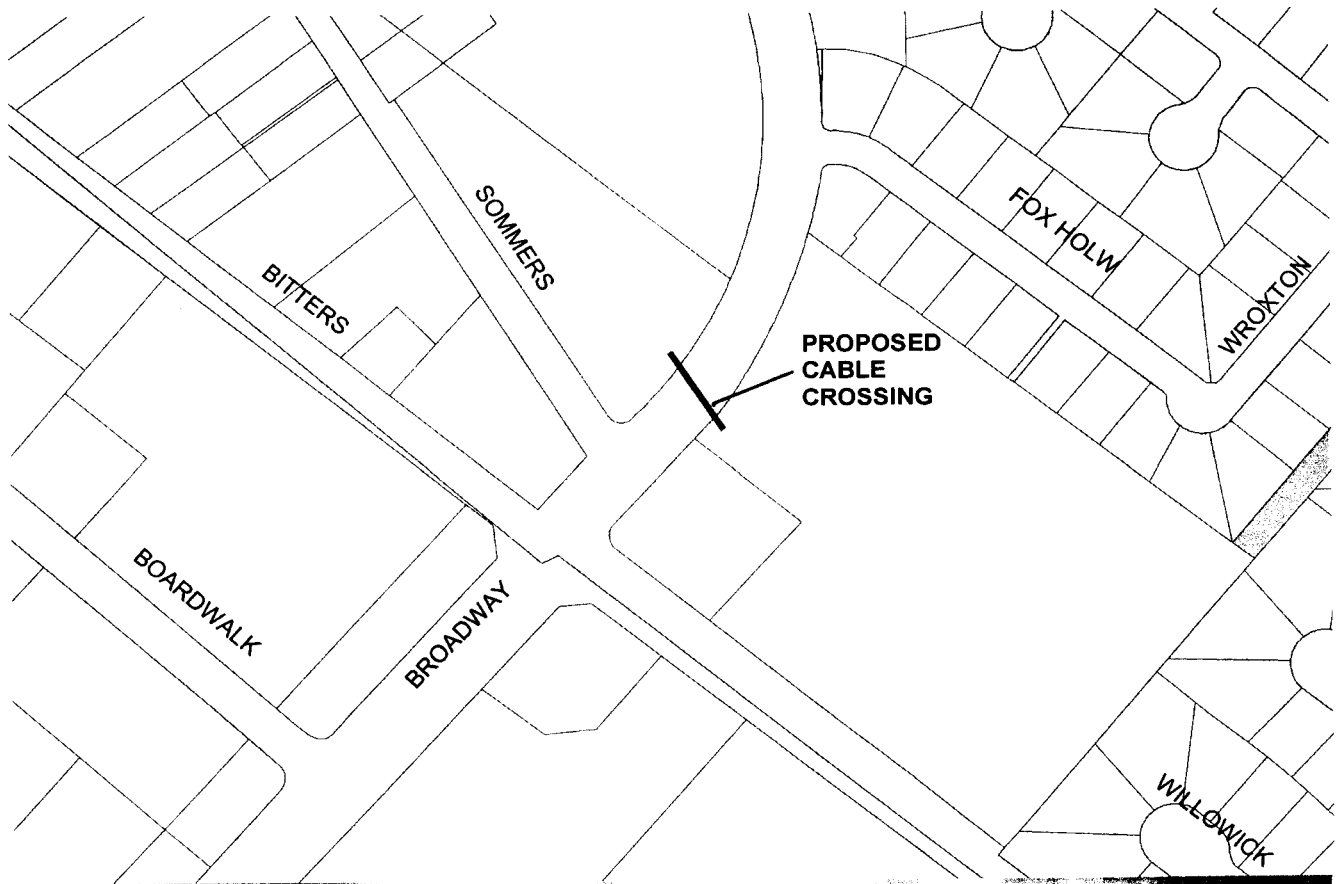
Rebecca Waldman, Director  
Department of Asset Management



Erik J. Walsh  
Assistant to the City Manager



Sheryl Sculley  
City Manager



View of proposed cable crossing site from Regency Place Elementary School across Broadway Ave. to Academy of Creative Education facility.

## EXHIBIT "A"

# Canvassing Checklist

SPNo 1230

Request: Petitioner is requesting a license to install fiber cable over and across Broadway Ave. between Sommers and Fox Hollow, as shown on attached Exhibit "A". The fiber cable crossing will allow the Northeast Independent School District to link the Academy of Creative Education facility to the Regency Pace Elementary School. This link will provide for faster and more reliable communication within the school complex.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	8/17/2005	9/15/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	8/17/2005	10/6/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	8/17/2005	9/23/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	8/17/2005	9/23/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	8/17/2005	8/25/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Services	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input checked="" type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments



# CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT  
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966  
TEL. 210-207-4032 FAX 210-207-7888

October 7, 2005

Northeast Independent School District (NEISD)  
Attn: Steven Emilienburg  
8961 Tesoro Drive, Ste. # 517  
San Antonio, Texas 78217

Re: S. P. No. 1230 — Request to install fiber cable over and across Broadway Ave. at the Bitters Road intersection to connect the Academy of Creative Education to the Regency Pace Elementary School.

Dear Mr. Emilienburg:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of your request subject to the following conditions:

**DEPARTMENT OF PUBLIC WORKS:**

“Right of Way Management and Street Maintenance Divisions must approve contemplated fiber cable placement”- Storm Water Utility/ Engineering Division.

“Right of Way permit required”-Street Maintenance Division.

**SAN ANTONIO WATER SYSTEM:**

“Petitioner must agree to reserve a perpetual easement for all existing water and/or sewer facilities and agree to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of the petitioner.”

**CITY PUBLIC SERVICE:**

“Northeast Independent School District (NEISD) must sign a pole license agreement with CPS Energy and apply for a pole contacts per agreement.” (Jesse Lopez 353-4381)

“Gas main and services must be located to ensure they are not disturbed during construction.”

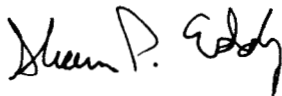
Additionally, the fee established for this License Agreement is \$5,000.00 for a 10-year term. This license fee is due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the license fee will

be returned to the petitioner. Also, a Certificate of Insurance must be provided and the City of San Antonio must be formally released from any and all liabilities, which may be incurred in connection with this request.

If you concur with the above mentioned conditions, including the payment of the fee established for this encroachment, please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this signed Letter of Agreement, and the Certificate of Insurance we will continue processing your request.

This Letter of Agreement is being offered by the City of San Antonio only to the above named petitioner and will expire thirty (30) days after the date of issuance unless a specific extension is requested by the petitioner and granted by the City.

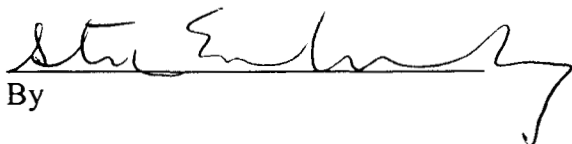
Sincerely,



Shawn P. Eddy  
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

Petitioner: **Northeast Independent School District (NEISD)**

  
By

Steve Emilienburg

Print Name

Executive Director of MIS  
Title

October 12, 2005

Date



**Texas Association of School Boards  
Risk Management Fund**

P.O. Box 400  
Austin, TX 78767-0400  
800-482-7276 • (800-4-TASB-RM) • 512-467-3699

*Serving Texas School Districts Since 1974*

October 12, 2005

City of San Antonio  
Attn: Shawn P. Eddy, Special Projects Manager  
Department of Asset Management  
P.O. Box 839966  
San Antonio, TX 78283-3966

Subject: **Certificate of Coverage**  
North East ISD  
015910-060901

To Whom It May Concern:

Per your request for a Certificate of Coverage for North East ISD, I am enclosing a copy of the district's Contribution and Coverage Summary.

The TASB Risk Management Fund (Fund) is a modified self-funded plan of coverage offered to education based political subdivisions under the terms of the Interlocal Cooperation Act, Chapter 791, Texas Government Code. The purpose of the Interlocal Cooperation Act is to authorize political subdivisions to contract together for functions that they would ordinarily assume on an individual basis. The statute allows education based political subdivisions to join together in a pool to purchase coverage for their property and liability exposures, as well as claims administration and loss control services. The Fund modified self-funded plan was set up through the By-laws of the Fund, specifically for education based political subdivisions and does not allow for other entities to be named as additional insureds, nor are we able to provide certificates of insurance. Please accept this copy of North East ISD's Contribution and Coverage Summary as proof of coverage for any stated liability North East ISD is legally obligated to pay.

If I can be of further assistance, please do not hesitate to call me at 800-482-7276, ext. 6403.

Sincerely,

Joan Dahlen  
Administrative Assistant  
Property/Casualty Underwriting & Administration

Enclosures

c: North East ISD; Mario Ward; 210-804-7236

**RECEIVED**

OCT 12 2005

**NORTH EAST I.S.D.  
RISK MANAGEMENT DEP**

TASB Risk Management Fund  
North East ISD Contribution and Coverage Summary

The PROGRAM PARTICIPANT adopts those coverages, limits and deductibles as indicated below:

=====	
LIMITS ADOPTED	DEDUCTIBLE
=====	
AUTO LIABILITY	
\$100/300/100	\$ 1,000
Bodily Injury and Property Damage Deductible per Occurrence	
-----	
AUTO PHYSICAL DAMAGE	
\$726,752	\$
- Actual Cash Value *	
Deductible	
Per Vehicle	
* - See Vehicle Schedule	
\$78,080	\$
- Actual Cash Value *	
Deductible	
Per Vehicle	
* - See Vehicle Schedule	
\$2,921,115	\$
- Actual Cash Value *	
Deductible	
Per Vehicle	
* - See Vehicle Schedule	
\$18,782,865	\$
- Actual Cash Value *	
Deductible	
Per Vehicle	
* - See Vehicle Schedule	
\$1,365,453	\$
- Actual Cash Value *	
Deductible	
Per Vehicle	
* - See Vehicle Schedule	
-----	
CRIME	
\$1,000,000	
Limit per Loss	
Deductible Per	
Occurrence	
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\$  
**RECEIVED**

OCT 12 2005

NORTH EAST I.S.D.  
\$ RISK MANAGEMENT DEPT



Policy #015910-060901

Page: 2

## =====

## GENERAL LIABILITY

\$1,000,000 Per Occurrence Limit  
Deductible per  
Occurrence  
Incl PI and EBL

\$ 5,000

Program Participant  
North East ISD

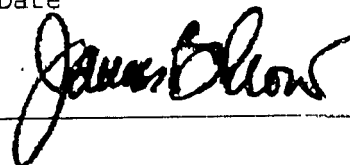
TASB Risk Management Fund  
Property/Casualty

Effective Date  
09/01/2005

Expiration Date  
09/01/2006

Policy Number  
015910-060901

By



In consideration for payment of contributions, it is hereby agreed that the TASB Risk Management Fund shall provide coverage as stated on the Contribution and Coverage Summary and subject to the terms of the Coverage Document.

Print Date: 07/05/2005

**RECEIVED**

OCT 12 2005

**NORTH EAST I.S.D.  
RISK MANAGEMENT DEP**