

# City of San Antonio



## AGENDA

### City Council A Session

Municipal Plaza Building  
114 W. Commerce Street  
San Antonio, Texas 78205

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**Thursday, June 6, 2024**

**9:00 AM**

**Municipal Plaza Building**

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The City Council will hold its regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at the above referenced date and time for the following items. Once convened, the City Council will take up the following items in any order during the meeting but no sooner than the designated times.

#### **9:00AM: Call to Order**

Members of the public can comment on items on the agenda. To sign up to speak visit [www.saspeakup.com](http://www.saspeakup.com). Click on meetings and events and select the meeting you'd like to participate in. Sign up to speak or submit a written comment. Questions relating to these rules may be directed to the Office of the City Clerk at (210) 207-7253.

Individuals signing up for public comment may register for VIA bus fare or parking validation at [www.saspeakup.com](http://www.saspeakup.com). VIA bus fare or parking at City Tower Garage (located at 100 Blk N. Main) will be provided to individuals who request the assistance. Staff will provide VIA bus fare passes and parking validation tickets in the lobby of City Council Chambers.

To view the Live meeting please view our [Live Stream](#)

During the meeting, the City Council may meet in executive session for consultation with the City Attorney's Office concerning attorney-client matters under Chapter 551 of the Texas

Government Code.

### **ACCESS STATEMENT**

**The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-2098 or Relay Texas 711 or by requesting these services online at <https://www.sanantonio.gov/gpa/LanguageServices>. Providing at least 72 hours' notice will help to ensure availability.**

Intérpretes en español estarán disponibles durante la junta del consejo de la ciudad para los asistentes que lo requieran. También se proveerán intérpretes para los ciudadanos que deseen exponer su punto de vista al consejo de la ciudad. Para más información, llame al (210) 207-7253.

For additional information on any item on this agenda, please visit [www.sanantonio.gov](http://www.sanantonio.gov) or call (210) 207-7080.

**24.**

**2024-06-06-0399**

Ordinance authorizing the closure, vacation, and abandonment of the 0.352 acre (15,314 square feet) unimproved Wintergarden Drive Public Right-of-Way within New City Block 13940, as requested by GFB Services, Inc. for a fee of \$46,623. [John Peterek, Assistant City Manager; Razi Hosseini, Director, Public Works]

### **THE CITY COUNCIL MAY RECESS FOR LUNCH AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS**

6:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.

Printed on: 04/06/2025 07:59 AM



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 24

**Agenda Date:** June 6, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

Real Estate Disposition: Closure of the Unimproved Wintergarden Drive Public Right-of-Way

**SUMMARY:**

An ordinance authorizing the closure, vacation, and abandonment of the 0.352 acres (15,314 square feet) unimproved Wintergarden Drive Public Right-of-Way within New City Block 13940 in Council District 5, as requested by GFB Services, Inc. for a fee of \$46,623.00.

**BACKGROUND INFORMATION:**

GFB Services, Inc. (Petitioner) requests to close, vacate, and abandon the 0.352-acre (15,314-square-foot) unimproved Wintergarden Drive Public Right-of-Way within New City Block 13940, as shown on the attached map. The public right-of-way consists of 0.352 acres (15,314 square feet). If approved, the Petitioner will use the closure for storage and their trucking business. The Petitioner owns the abutting property.

City Departments and utilities were canvassed and approved with standard conditions. Petitioner has agreed to all the conditions. There is no Neighborhood Association. In compliance with Chapter 37 of the City Code, Section 37-11 (e), notification signs and letters are not necessary for undeveloped public right-of-way.

**ISSUE:**

This ordinance authorizes the closure, vacation, and abandonment of the 0.352 acres (15,314 square feet) unimproved Wintergarden Drive Public Right-of-Way within New City Block 13940 in Council District 5, as requested by GFB Services, Inc. for a fee of \$46,623.

If approved, Petitioner will use the closure for storage and their trucking business.

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on April 24, 2024. This action is consistent with the City Code and Ordinances, which require City Council approval for the sale or disposition of City-owned or controlled real property.

**ALTERNATIVES:**

The City Council could choose not to approve this request; however, the Petitioner will not be allowed to use the closure for storage or their trucking business.

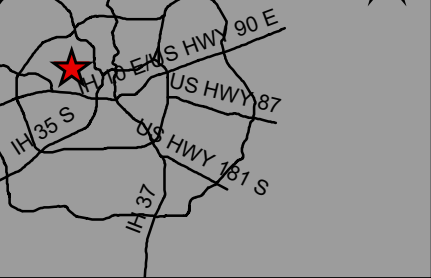
**FISCAL IMPACT:**

The fee established for this request is \$46,623.00, which includes the assessed value of the property, \$46,523.00, plus \$100.00 for administrative costs. In compliance with Chapter 37 of the City Code, Section 37-2(g), the fair market value of the unimproved property was determined by an average of the per-square-foot Bexar Appraisal District assessed land values in the vicinity. These funds will be deposited into the General Fund in accordance with the FY 24 Adopted Budget.

**RECOMMENDATION:**

Staff recommends that this request to close, vacate, and abandon the 0.352 acre (15,314 square feet) unimproved Wintergarden Drive Public Right-of-Way in Council District 5 be approved.





STATE HWY 151 ACCESS

STATE HWY 151  
STATE HWY 151

Petitioner's Property

ARDMORE

WINTERGARDEN

WINTERGARDEN

Proposed Closure

MUSKOGEE

ACME



**EXHIBIT "A"**  
**DESCRIPTION OF A 0.352 OF AN ACRE TRACT**

A metes and bounds description of a 0.352 of an acre (15,314 sq. ft.) tract more or less, out of the remaining portion of a 15.372 acre tract, recorded in Volume 6696, Page 1286, Official Public Records of Bexar County, Texas (O.P.R.B.C.T.), in the Van De Walle Industrial Park, Unit 3, Subdivision Plat, Winter Garden Drive, a (closed) 60' right-of-way, recorded in Volume 7300, Pages 123-124, Deed and Plat Records of Bexar County, Texas (D.P.R.B.C.T.), being situated Rafael Herrera Survey No. 1/74, Abstract No. 311, New City Block 13940, in the City of San Antonio, Bexar County, Texas, being more particularly described as follows:

**BEGINNING:** at a found magnail, being the southwest corner of the remaining portion of a 8.67 acre tract, recorded in Volume 18730, Page 1450, O.P.R.B.C.T., the northwest corner of the herein described tract, having a State Plane Coordinate NAD 83, Texas South Central Zone, (N: 13,699,102.83, E: 2,099,419.24);

**THENCE:** South 89°29'48" East, along and with the south line of the aforementioned 8.67 acre tract, a distance of 237.89 feet to a found 1/2" iron rod, an angle of the herein described tract, the beginning point of a non-tangent curve to the left, whose radius point bears, North 00°27'46" East, a distance of 25.00 feet;

**THENCE:** 39.39 feet, along and with the south line of the aforementioned 8.67 acre tract, the curve to the left, having a central angle of 90°17'07", a radius of 25.00 feet, and a chord bearing and length of North 45°19'13" East, a distance to 35.44 feet, to a calculated point, on the west right-of-way line of South Acme Road, a 100 foot right-of-way, recorded in Volume 9562, Page 105, D.P.R.B.C.T., the northeast corner of the herein described tract from which a found 1/2" iron rod bears, North 23°10'51" West, a distance of 0.35 feet;

**THENCE:** South 00°11'15" East, departing the south line of 8.67 acre tract, along and with the west right-of-way line of South Acme Road, a distance of 107.88 feet to a found fence post corner, the point of curvature and northeast corner of Lot 7, Block 3, a 1.262 acre tract, recorded in Volume 10570, Page 402, O.P.R.B.C.T., the southeast corner of the herein described tract, being the beginning of a non-tangent curve to the left, whose radius point bears, North 89°47'56" West, a distance of 25.00 feet;

**THENCE:** 39.27 feet, departing the west right-of-way line of South Acme Road, along and with the north line of the aforementioned 1.262 acre tract, the curve to the left, having a central angle of 90°00'00", a radius of 25.00 feet, and a chord bearing and length of North 44°47'56" West, a distance to 35.36 feet, to a found 1/2" iron rod, on the north line of the aforementioned 1.262 acre tract, an angle of the herein described tract;

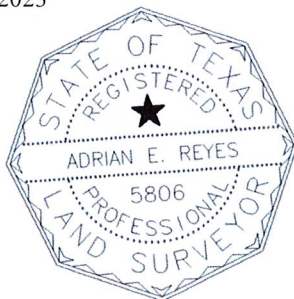
**THENCE:** North 89°47'56" West, along and with the north line of the aforementioned 1.262 acre tract, a distance of 227.08 feet to a found 1/2" iron rod, the northwest corner of the aforementioned 1.262 acre tract, on the east right-of-way line of State Highway 151, a variable width right-of-way, Control 3508, Section 01, Job 001, Texas State Highway Department, the southwest corner of the herein described tract;

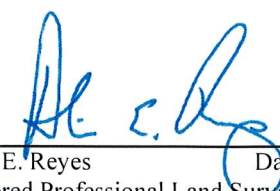
**THENCE:** North 10°57'00" West, departing the north line of 1.262 acre tract, along and with the east right-of-way line of State Highway 151, a distance of 60.26 feet to the **POINT OF BEGINNING** and containing 0.352 of an acre (15,314 sq. ft.) tract more or less.

Notes:

- 1) Bearings shown hereon are of the Texas State Plane Coordinate System, South Central Zone (4204), NAD83, US Survey Feet.
- 2) Record information shown hereon is based upon a public records search performed by UP Engineering + Surveying. Owner name shown as provided. Record volume and page noted document provided by others.
- 3) This survey was completed without the benefit of a Title Commitment.
- 4) Date of Survey: 02/20/2023

UP Engineering + Surveying  
11903 Jones Maltsberger Rd.  
Suite 102  
San Antonio, Texas 78216  
TBPELS Firm No. 10194606



  
Adrian E. Reyes  
Registered Professional Land Surveyor  
No. 5806 – State of Texas

Date: 02-22-2023







OK  
[Signature]

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT**

P. O. BOX 839966  
SAN ANTONIO TEXAS 78283-3966

February 23, 2024

GFB Services Inc  
915 South Acme Road  
San Antonio, Texas 78237

S.P. No. 0298 – Request to close, vacate and abandon 0.352 acre (15,314 square feet) of an unimproved portion of Wintergarden Road Public Right-of-Way within New City Block 13940

Dear Mr./ Mrs. Franco:

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 the request subject to the following conditions:

Planning: The proposed closure area contains several zoning districts and overlays. Property owner should obtain proper zoning for the closed areas within six (6) months to ensure compatibility with the surrounding uses, namely the Los Jardine's neighborhood to the east of Acme Rd if necessary. The closure does not represent a removal of public pedestrian or vehicular access as no access presently exists – alternatively, opening this street for public access may interfere with TxDOT controlled vehicular access of the northbound HWY 151 access road which is also without pedestrian infrastructure.

Disability Access Office: Pedestrian access across the driveway, curb ramps and sidewalks along the west side of Acme Road must remain open.

Public Works Department: Storm Water Engineering: The Petitioner must comply with all applicable local (city and/or county), state, and federal regulations. Prior to the start of any construction and/or improvements to the subject property, all required studies, permits, and fees must be submitted to and approved by all applicable local (city and/or county), state, and federal governing bodies. It appears there is some street flow from South Acme that appears to flow through this unimproved road. Any drainage must be accounted for and properly conveyed in its natural path and may not be obstructed or redirected. Environmental Services: It is the Petitioner's responsibility to conduct their own due diligence for this area. The City does not warranty that environmental impacts are not to be encountered when disturbing the land. The City shall not bear any financial burden related to environmental impacts (if any) encountered during the disturbance of the land. If environmental impacts are encountered, it is the Petitioner's responsibility to notify the City and the appropriate regulatory agencies of the issue. Project Delivery: The other adjacent property owner must also provide written approval for this action. Any utilities or drainage infrastructure that exists in the closure must be granted permanent easements. Right-of-Way: Contact and confirm with all utilities that there no conflicts.



The closure, vacation and abandonment of this Public Right of Way will be authorized by a City Ordinance in accordance with current policies relevant to street/alley closures. The closure will not release rights relating to drainage, water and wastewater lines, electric transmission and distribution lines, gas lines, communication lines of all types, or any other rights except for the right of the public to travel on the subject tract. The City will expressly reserve all rights not released. Petitioner agrees to conform by all applicable local (city and/or county), state and federal governing laws. Petitioner asserts that all evidence of ownership of property abutting the Public Right of Way proposed to be closed, vacated and abandoned by the City of San Antonio is true and correct. The petitioner acknowledges that this property will be accepted in its "as is" condition. Petitioner must take the property subject to all easement rights for existing overhead, surface, or subsurface utilities within the Public Right of Way proposed to be closed, including but not limited to electrical, water, sewer, telephone, cable, fiber optic conduit, etc. and allow access to any such utilities or may seek the relocation of a specific utility with express permission and coordination of the respective owner of the utility at the sole expense of the petitioner. Petitioner understands that further coordination will be needed with the affected utility agencies to ensure their operations are not impacted.

The fee established for this request is \$46,623.00, which includes the assessed value of the public right-of-way of \$46,523.00 plus \$100.00 for the recording fees. This total fee will be due and payable to the City of San Antonio prior to City Council consideration.

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

If you concur with the above-mentioned conditions, please countersign this letter in the space provided below and return it to the undersigned. Upon receipt of this executed Letter of Agreement, a check payable to the City of San Antonio in the amount of \$46,623.00, a Contracts Disclosure Form from each entity and we will continue processing your request.

Sincerely,

  
Adrian Ramirez  
Real Estate Manager

**AGREED AS TO TERMS AND CONDITIONS:**

  
By: Gabriel Franco

President

Title: President

02.28.2024

Date:





# Contracts Disclosure Form

## Real Estate (Purchase, Sale, or Lease)

Please complete and submit with real estate agreement/contract.  
All questions must be answered.

For details on use of this form, see Section 2-59 through 2-61 of the City's Ethics Code.

### 1) Name of person submitting this disclosure form

First Gabriel M.I. \_\_\_\_\_ Last Franco Suffix \_\_\_\_\_

### 2) Project Information

a) Project Name: Wintergarden  
b) Originating Department: Public Works

### 3) Name of person submitting this disclosure form

a) Name of individual(s) or entity(ies).  
(NOTE: Give exact legal name as per title records.)

☐ Buyer ☐ Seller  
☐ Lessee / Permittee

Gabrie Franco  
Norma L Franco

### b) Legal Description of Property

Wintergarden

### c) Name of any joint owners, board members, executive committee members, or business officers



**4) List any attorneys, lobbyists, or consultants retained by any individuals listed in Questions 3 to assist in this contract**

☒ Not applicable. No attorneys, lobbyists, or consultants have been retained to assist in this contract.

If applicable, list below names and type (attorneys, lobbyists, or consultants) retained to assist in this contract:

**5) Disclosure of political contributions**

List any campaign or officeholder contributions made by the following individuals in the past 24 months to any current member of City Council, former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections:

- a. any owner or officer of entity listed in Question 3
- b. the spouse of any individual listed in Question 3, if not previously noted
- c. any attorney, lobbyist, or consultant retained to assist in this contract listed in Question 4

☒ Not applicable. No campaign or officeholder contributions have been made in preceding 24 months by these individuals.

If applicable, list below name of contributor; to whom; date; and amount:

**Updates on Contributions Required**

Information regarding contributions must be updated by submission of a revised form from the date of the submission of this form, up through the time City Council takes action on the contract identified in response to Question 2 and continuing for 30 calendar days after the contract has been awarded.

**6) Disclosure of conflict of interest**

Are you aware of any fact(s) with regard to this contract that would raise a "conflict of interest" issue under Sections 2-43 or 2-44 of the City Ethics Code for any City Council member or board/commission member that has not or will not be raised by these city officials?

☒ I am not aware of any conflict(s) of interest issues under Section 2-43 or 2-44 of the City Ethics Code for members of City Council or a city board/commission.

If applicable, provide the conflict(s) of interest below:



## 7) City Officials / Boards and Commissions

Currently, or within the past twelve (12) months, have any of the owners, their spouse(s), sibling(s), parent(s), children or other family member within the first degree of consanguinity or affinity served on a City board or commission?

☐ Yes ☒ No

Currently, or within the past twelve (12) months, has an owner, partner or employee of a business entity in which you, your spouse, parent, child own 10% or more of the voting stock or shares, or 10% or more of the fair market value served on a City board or commission?

☐ Yes ☒ No

If you answered Yes to any questions in Question 7, please list the name of the individual, name of board/commission, and start/end date of service (for each instance).

## Notice Regarding Prohibited Interest in Contracts

Please be aware, the City's Charter and Ethics Code prohibits certain City employees and City officers, including members of certain more-than-advisory boards and commissions, as well as their close family members and any businesses they or their families hold a 10% or greater ownership interest from having a financial interest (direct or indirect) in the sale of land during their service with the City. Please see Section 141 of the City Charter and Section 2-52 of the City Ethics Code (Prohibited Interests in Contracts) for complete information.

Please note that any contract in place at the time the applicant becomes a City officer may remain in effect, but cannot be amended, extended, modified, or changed in any manner during the officer's City service on the more-than-advisory board.

## Acknowledgment

### 1. Updates Required

- ☐ I understand that this form must be updated by submission of a revised form if there is any change in the information before the discretionary contract, housing and retail development incentive, or the purchase, sale, or lease of real estate to or from the City is the subject of action by the City Council, and no later than 5 business days after any change has occurred, whichever comes first.

## Oath

- ☐ I swear or affirm that the statements contained in this Contracts Disclosure Form, including any attachments, to the best of my knowledge and belief are true, correct, and complete.

\*Print Name: Gabriel Franco

\*Signature: 

Title: President

\*Date: 02/29/2024

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED  
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

**ORDINANCE**

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT  
OF 0.352 ACRES (15,314 SQUARE FEET) OF UNIMPROVED  
WINTERGARDEN DRIVE PUBLIC RIGHT-OF-WAY WITHIN NEW  
CITY BLOCK 13940 IN COUNCIL DISTRICT 5, AS REQUESTED BY  
GFB SERVICES, INC. FOR A FEE OF \$46,623.00.**

\* \* \* \* \*

**WHEREAS,** GFB Services, Inc. (Petitioner) requests to close, vacate, and abandon 0.352-acre (15,314-square-foot) of unimproved Wintergarden Drive Public Right-of-Way within New City Block 13940. The public right-of-way consists of 0.352 acres (15,314 square feet). If approved, the Petitioner will use the closure for storage and their trucking business. The Petitioner owns the abutting property; and

**WHEREAS,** City Departments and utilities were canvassed and approved with standard conditions. There is no active neighborhood association. In compliance with Chapter 37 of the City Code, Section 37-11 (e), notification signs and letters are not necessary for undeveloped public right-of-way; and

**WHEREAS,** the City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on April 24, 2024; and

**WHEREAS,** the fee established for this request is \$46,623.00, which includes the assessed value of the property, \$46,523.00, plus \$100.00 for administrative costs. In compliance with Chapter 37 of the City Code, Section 37-2(g), the fair market value of the unimproved property was determined by an average of the per-square-foot Bexar Appraisal District assessed land values in the vicinity.

**NOW THEREFORE,**

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

**SECTION 1.** The City Council hereby authorizes, for a fee of \$46,623.00, which includes the assessed value of the property, \$46,523.00, plus \$100.00 for administrative costs for administrative costs the closure, vacation, and abandonment of its right of way interests as to 0.352-acre (15,314-square-foot) of unimproved Wintergarden Drive Public Right-of-Way within New City Block 13940 in City Council District 5 as shown in **Exhibit "A"** and more accurately described in **Exhibit "B"**.

**SECTION 2.** All exhibits are incorporated into this Ordinance for all purposes as if they were fully set forth. **Exhibit "B"** controls over any discrepancy between it and **Exhibit "A"**.

**SECTION 3.** Funds generated by this ordinance will be deposited in Fund 11001000, Internal Order 223000000253 and General Ledger 4903101.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**M     A     Y     O     R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney





# City Council A-Session

**Item 24 – Real Estate Disposition: Closure, Vacation &  
Abandonment of Unimproved Wintergarden Drive  
Public Right-of-Way**

**June 6, 2024**

Razi Hosseini, P.E., R.P.L.S., Director/City Engineer, Public Works Department

# Background



- Petitioner requests the closure, vacation and abandonment of 0.352 acres (15,314 square feet) of the unimproved Wintergarden Drive Public Right-of-Way.
- Petitioner will use the closure for storage and for their trucking business.
- The fee associated with this closure, vacation and abandonment is \$46,623.



# City Council A-Session



## PUBLIC WORKS

**Item 24 – Real Estate Disposition: Closure, Vacation &  
Abandonment of the Unimproved Wintergarden Drive  
Public Right-of-Way**