

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

ORDINANCE

**APPROVING AN INSURANCE PROPERTY DAMAGE RELEASE
AGREEMENT BETWEEN THE OHIO SECURITY INSURANCE
COMPANY (DBA LIBERTY MUTUAL INSURANCE) AND THE
CITY OF SAN ANTONIO TO ACCEPT FUNDS IN AN AMOUNT
NOT TO EXCEED \$89,005.91 FOR PROPERTY DAMAGE
INCURRED AT STONEWALL AVENUE RESULTING FROM
WORK COMPLETED FOR NETSPAN CORPORATION AND
FOREMOST TELECOMMUNICATIONS CORPORATION. FUNDS
WILL BE DEPOSITED INTO THE STORM WATER OPERATING
FUND**

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WHEREAS, as part of FY 2023 Corrugated Metal Pipe (CMP) Rehabilitation program the contractor, Lewis Concrete Restoration (LCR), rehabilitated a storm drainage CMP along Stonewall Avenue., which began in December 2022, and was completed in February 2023; and

WHEREAS, as customary, to confirm the rehabilitation was completed successfully, the contractor, LCR, televised the pipe for inspection, during which it was identified that a utility intrusion occurred near Stonewall Avenue between Pleasanton Road and South Flores Street; and

WHEREAS, the City of San Antonio Right of Way division contacted the utility contractor, Foremost Telecommunications Corporation (Foremost) in March 2023, and an insurance claim was filed with the Ohio Security Insurance Company (d/b/a Liberty Mutual Insurance); and

WHEREAS, on September 10, 2024, an agreement on the insurance claim was reached that the insurer would reimburse the City for rehabilitation and repair for Stonewall Avenue; and

WHEREAS, repair work has been completed by the City's CMP contractor and the amount reimbursed from the proposed insurance claim will be programmed towards future CMP projects; and

WHEREAS, this ordinance approves an Insurance Property Damage Release agreement between the Ohio Security Insurance Company (d/b/a Liberty Mutual Insurance) and the City of San Antonio to accept funds in an amount not to exceed \$89,005.91 for property damage incurred at Stonewall Avenue resulting from work completed for Netspan Corporation and Foremost Telecommunications Corporation; and

WHEREAS, his ordinance reimburses the City for the repair work completed by the City's FY 2023 Corrugated Metal Pipe (CMP) Rehabilitation program contractor that originally completed

the FY 2023 CMP Stonewall Avenue project funded by Storm Water Operating Funds; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to approve an Insurance Property Damage Release agreement between the Ohio Security Insurance Company (d/b/a Liberty Mutual Insurance) and the City of San Antonio to accept funds in an amount not to exceed \$89,005.91 for property damage incurred at Stonewall Avenue resulting from work completed for Netspan Corporation and Foremost Telecommunications Corporation.

SECTION 2. Funds received for this ordinance will be deposited in Fund 29070000, Internal Order 223000000071 and General Ledger Account 6301130.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer 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 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 12th day of December, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney