

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

ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO TO ACCEPT REIMBURSEMENT FROM GOOGLE FIBER, INC. IN THE AMOUNT OF \$75,166.47 RELATED TO A UTILITY CONFLICT ON THE NORTH ST. MARY'S STREET (EAST MISTLETOE AVENUE TO WEST JOSEPHINE STREET) PROJECT, A 2017 GENERAL OBLIGATION BOND PROGRAM FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 1. FUNDS WILL BE DEPOSITED BACK INTO THE NORTH ST. MARY'S STREET (EAST MISTLETOE AVENUE TO WEST JOSEPHINE STREET) PROJECT.

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WHEREAS, San Antonio voters approved \$7,000,000 for roadway reconstruction for the North St. Mary's Street (East Mistletoe Avenue to West Josephine Street) Project, supplemented by an additional \$2,500,000.00 from the Midtown Tax Increment Reinvestment Zone (TIRZ) Fund for pedestrian lighting, landscaping, and tree plantings; and

WHEREAS, this project reconstructed North St. Mary's from East Mistletoe Avenue to West Josephine Street and constructed improvements consisting of roadway enhancements, sidewalks, bike amenities, pedestrian illumination, landscaping, irrigation, storm drainage upgrades, as well as traffic and pedestrian signal upgrades. The project also included joint-bid San Antonio Water System (SAWS) and CPS Energy utility work. Construction began in Winter 2021 and was completed in August 2023; and

WHEREAS, during the construction phase of the SAWS sanitary sewer, the city contractor encountered a Google Fiber utility line conflict buried in this location. This conflict required additional coordination and efforts to confirm and clear the conflict, which caused a delay in the project schedule and additional labor and materials expensed by the contractor.

WHEREAS, the City and Google Fiber, Inc. have reached a settlement agreement of the City's claims. Under the terms of the agreement, Google Fiber, Inc is reimbursing the City in the amount of \$75,166.47 for the additional expenses incurred as a result of the delay caused by the utility line conflict. In November 2022, the City reimbursed the contractor for the additional expenses incurred as a result of the delay caused by the utility line conflict; and

WHEREAS, this Ordinance authorizes the City of San Antonio to approve a Release and Settlement of Property Damage Claim agreement between Google Fiber, Inc. and the City of San Antonio and accept reimbursement from Google Fiber, Inc. in the amount of \$75,166.47 related to the additional expenses incurred as a result of a utility conflict on the North St. Mary's Street

(East Mistletoe Avenue to West Josephine Street), a 2017 General Obligation Bond Program funded project. **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 Release and Settlement of Property Damage Claim agreement between Google Fiber, Inc. and the City of San Antonio to accept funds in an amount not to exceed \$75,166.47 for additional expenses incurred as a result of the delay caused by a utility line conflict.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is further authorized to execute any and all necessary documents to effectuate said agreement.

SECTION 3. Reimbursement not to exceed \$75,166.47 is authorized to be accepted from Google Fiber, Inc. Payment is related to a utility conflict on the North St. Mary’s Street (East Mistletoe Avenue to West Josephine Street) project, a 2017 General Obligation Bond Program funded project, located in Council District 1. Funds will be appropriated/adjusted per the table below.

Amount	Fund	WBS Element	GL Account
-75,166.47	43915027	CO-20227-01-01-04	6102100
75,166.47	45099000	23-01600-90-02-22-01	6101100
-75,166.47	45099000	23-01600-90-10-01	4502280
-75,166.47	45099000	23-01600-05-02-01	5201140
75,166.47	45099000	23-01600-05-02-02	5201245

SECTION 4. 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 Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this ____ day of February, 2025.

M A Y O R

TG
2/20/25
Item No.

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT