

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

ORDINANCE

APPROVING THE EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION LTD AND THE CITY OF SAN ANTONIO IN AN AMOUNT NOT TO EXCEED \$454,082.00 FOR DRAINAGE IMPROVEMENTS WITHIN THE TORIAN VILLAGE SUBDIVISION ALONG SLICK RANCH CREEK IN RELATION TO THE CASTLERIDGE/SLICK RANCH FLOOD PLAIN FACILITIES IMPROVEMENTS PROJECT LOCATED IN COUNCIL DISTRICT 6. FUNDS ARE AVAILABLE FROM THE STORMWATER REGIONAL FUND INCLUDED IN THE FY 2023 – FY 2028 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, the City of San Antonio funded the Castleridge/Slick Ranch Flood Plain Improvements project to alleviate the structural and property flooding in the Westwood Park; and

WHEREAS, Lennar Homes of Texas Land and Construction LTD plans to develop the neighboring property as a single-family residential coordinating the appropriate improvements with the City of San Antonio to ensure the Castleridge/Slick Ranch Flood Plain Improvements project can provide the designed flood project levels; and

WHEREAS, Texas Local Government Code allows municipalities to contract with a developer to construct public improvements related to the development and provide funding up to 30% of the total public improvements cost; and

WHEREAS, as part of the proposed Developer Participation Agreement, Lennar Homes of Texas Land and Construction LTD will develop and construct a grass and concrete-lined channel drainage channel along Slick Ranch Creek at the southern edge of the Torian Village subdivision; and

WHEREAS, the City will reimburse Lennar Homes of Texas Land and Construction LTD in an amount up to \$454,082.00 to construct the infrastructure improvements that would have otherwise been completed as part of the Castleridge/Slick Ranch Flood Plain Improvements project, which will increase drainage capacity and remove properties from the floodplain; and

WHEREAS, construction is anticipated to begin in February 2023 and is estimated to be completed in February 2024; and

WHEREAS, Lennar Homes of Texas Land and Construction LTD has agreed to require its contractor to subcontract at least 20% of the work to be performed with the City's contribution to

certified M/WBE firms headquartered or having a Significant Business Presence within the San Antonio Metropolitan Statistical Area (SAMSA). This agreement will be executed in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract to maximize the amount of small, minority, and women-owned business participation. Lennar Corporation, LP has committed to meeting these goals; and

WHEREAS, this ordinance approves the execution of a Developer Participation Agreement between Lennar Homes of Texas Land and Construction LTD and the City of San Antonio in an amount not to exceed \$454,082.00 for drainage improvements within the Torian Village subdivision along Slick Ranch Creek in relation to the Castleridge/Slick Ranch Flood Plain Improvements project located in Council District 6; **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 execute of a Developer Participation Agreement with Lennar Homes of Texas Land and Construction LTD in an amount not to exceed \$454,082.00 for construction of drainage improvements within the Torian Village subdivision along Slick Ranch Creek in Council District 6, a copy of which is attached as **Exhibit 1**.

SECTION 2. Payment is authorized to be encumbered and made payable to Lennar Homes of Texas Land and Construction LTD in an amount not to exceed \$454,082.00. Payment is in support of the Castleridge /Slick Ranch Flood Plain Improvements Project using Fund 40099000 with the WBS Element 23-01484-05-02-01 and GL Account 5201140. Funding for this project is provided by the Drainage Detention Project Fund, and Revenue Bonds and is in the FY2023-FY2028 CIP Budget.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

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 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 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 __th day of December 2022.

TG
12/01/22
Item No. 22-188433

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT