

**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 COMPROMISE, RELEASE
AND SETTLEMENT AGREEMENT BETWEEN THE ZAYO
GROUP, LLC AND THE CITY OF SAN ANTONIO ACCEPTING
REIMBURSEMENT FUNDS IN AN AMOUNT NOT TO EXCEED
\$62,000.00 FROM THE ZAYO GROUP, LLC FOR FACILITY
ADJUSTMENTS INCURRED ON THE GOLIAD ROAD (FAIR
AVENUE – EAST SOUTHCROSS BOULEVARD) PROJECT, A 2017
BOND FUNDED DRAINAGE PROJECT LOCATED IN COUNCIL
DISTRICT 3; AND AUTHORIZING THE APPROPRIATION AND
AMENDING OF THE FY 2023 – FY 2028 CAPITAL IMPROVEMENT
PROGRAM WITH FUNDS IN THE AMOUNT OF \$62,000.00 FROM
THE ZAYO GROUP, LLC TO THE GOLIAD ROAD (FAIR AVENUE
– EAST SOUTHCROSS BOULEVARD) PROJECT.**

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$12,937,000.00 for the Goliad Road (Fair Avenue-East Southcross Boulevard) Project located in City Council District 3; and

WHEREAS, this project includes utility improvements, street reconstruction (from Fair Avenue to East Southcross Boulevard), such as curbs, sidewalks, and driveway approaches as necessary, and pavement work on McDougal Avenue from Goliad Road to South Gevers Street; and

WHEREAS, during construction of the project, the City of San Antonio coordinated with Zayo Group, LLC to adjust the utility's facilities when previous adjustments conflicted with the project's proposed drainage system in multiple locations and would have delayed completion of the project; and

WHEREAS, through a Compromise, Release, and Settlement Agreement, the City of San Antonio will receive recompense from Zayo Group, LLC for the cost of adjustments to the utility's facilities; and

WHEREAS, this ordinance approves the execution of a Compromise, Release, and Settlement Agreement between the City of San Antonio and Zayo Group, LLC for the reimbursement of funds in an amount not to exceed \$62,000.00 for adjustments to the utility's facilities on the Goliad Road (Fair Avenue–East Southcross Boulevard) Project, a 2017 Bond drainage project in City Council District 3; this ordinance also authorizes the appropriation of and amendment to the FY 2023–FY 2028 Capital Improvement Program with funds in the amount of \$62,000.00 from Zayo Group, LLC to the Goliad Road (Fair Avenue–East Southcross Boulevard) 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 execute a Compromise, Release, and Settlement Agreement between the City of San Antonio and Zayo Group, LLC.

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

SECTION 3. Reimbursement funds are authorized to be received from Zayo Group, LLC to SAP Fund 45099000 GO Capital Projects, Project Goliad Road (Fair Avenue–East Southcross Boulevard), WBS 23-01583-90-07-xx, GL 4502280 Contributions from other Agency, in the amount of \$62,000.00, in accordance with Compromise, Release, and Settlement Agreement between the City of San Antonio and Zayo Group, LLC.

SECTION 4. The expense budget in Fund 45099000, Project 23-01583 shall be increased by \$62,000.00 using WBS Element 23-01583-05-06 with GL 5201140.

SECTION 5. 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 6. 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.

M A Y O R
Ron Nirenberg

ATTEST: APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney