



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 21

Agenda Date: December 15, 2022

In Control: City Council A Session

DEPARTMENT: Public Works Department

DEPARTMENT HEAD: Razi Hosseini

COUNCIL DISTRICTS IMPACTED: District 3

SUBJECT:

Compromise, Release and Settlement Agreement: Goliad Road (Fair Avenue – East Southcross Boulevard) project (2017 Bond Project)

SUMMARY:

An 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.

BACKGROUND INFORMATION:

Project Background

On May 6, 2017, voters approved the 2017 Bond Program, which authorized \$12,937,000.00 for the Goliad Road (Fair Avenue to East Southcross Boulevard) Project located in Council District 3. This Project is a continuation of the Goliad Road Drainage (SE Military Drive to Loop 410) project funded by the 2012-2017 Bond Program.

This project includes utility improvements, street reconstruction from Fair Avenue to East Southcross Boulevard, including curbs, sidewalks and driveway approaches as needed and pavement work on McDougal Avenue from Goliad Road to South Gevers Street. Project construction began in April 2020 and is estimated to be completed by November 2022.

Compromise, Release and Settlement Agreement

Throughout the design phase, the City of San Antonio project team coordinated with telecommunication companies, including the Zayo Group, LLC, on potential conflicts with the proposed street and drainage improvements. The utilities were required to adjust their facilities accordingly to avoid conflicts with these improvements.

During the construction of the Goliad Road project, it was discovered the Zayo Group's adjustments conflicted with the proposed drainage system in multiple locations. To prevent project delay, the City worked with the Zayo Group to make these adjustments as they occurred. The proposed Compromise, Release and Settlement Agreement with the Zayo Group will compensate the City of San Antonio for the costs associated with these adjustments.

ISSUE:

This ordinance approves 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 authorizes 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.

During the construction of the Goliad Road project, it was discovered the Zayo Group's adjustments conflicted with the proposed drainage system in multiple locations. To prevent project delay, the City worked with the Zayo Group to make these adjustments as they occurred. The proposed Compromise, Release and Settlement Agreement with the Zayo Group will compensate the City of San Antonio for the costs associated with these field adjustments.

ALTERNATIVES:

City Council could choose not to authorize the Compromise, Release, and Settlement Agreement with the Zayo Group, LLC; however, this would decline receipt of reimbursable costs to the City for the facility adjustments incurred from the Zayo Group, LLC on the Goliad Road project.

FISCAL IMPACT:

This ordinance authorizes 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. This ordinance also authorizes 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.

RECOMMENDATION:

Staff recommends 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; and authorizes 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.