

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

ORDINANCE

AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT NOT TO EXCEED \$4,000,000.00 FROM AT&T AND \$6,000,000.00 FROM CPS ENERGY, APPROVING THE APPROPRIATION, AND AMENDING THE FY 2020 – FY 2025 CAPITAL IMPROVEMENTS PROGRAM BUDGET WITH THESE FUNDS FOR JOINT-BID UTILITY WORK ASSOCIATED WITH BROADWAY STREET CORRIDOR: LOWER SEGMENT (E. HOUSTON TO IH-35).

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WHEREAS, on May 6, 2017, San Antonio voters approved the 2017-2022 Bond Program which included \$42,000,000 for improvements associated with the Broadway Corridor from Houston Street to Hildebrand Avenue; and

WHEREAS, the project is being constructed in three phases; Lower Segment - Houston Street to IH-35, Upper Segment Phase 1- IH-35 to Mulberry Avenue, and Upper Segment Phase 2 - Mulberry Ave to Burr Road; and

WHEREAS, in May 2018, the City entered into a Design-Build contract with Sundt Construction, Inc. for the design and construction of the Lower Segment; and

WHEREAS, the contract with Sundt is being amended in the amount of \$10,000,000.00 to include the design and construction of additional joint bid utility work to convert CPS Energy overhead electric to underground electric and construct a new underground conduit structure and manholes to accommodate the relocation of AT&T's facilities; and

WHEREAS, AT&T and CPS Energy will reimburse the City for all costs associated with the design and construction of their utility facilities in the amounts of \$4,000,000.00 and \$6,000,000.00 respectively; and

WHEREAS, the acceptance of the funds from AT&T and CPS Energy is necessary to ensure full funding of the added joint-bid utility work associated with the Broadway Street Corridor: Lower Segment (E. Houston to IH-35) Project; and

WHEREAS, this ordinance approves the acceptance of funds in the amount not to exceed \$4,000,000.00 from AT&T and \$6,000,000.00 from CPS Energy for joint-bid utility work, approves the appropriation, and amends the FY 2020 - FY 2025 Capital Improvements Program with these funds for the Broadway Street Corridor: Lower Segment (E. Houston to IH-35) Project **NOW THEREFORE**,

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

SECTION 1. Council hereby approves the acceptance of funds in the amount not to exceed \$4,000,000.00 from AT&T and \$6,000,000.00 from CPS Energy for joint-bid utility work associated with the Broadway Street Corridor: Lower Segment (E. Houston to IH-35), approves the appropriation, and amends the FY 2020 - FY 2025 Capital Improvements Program with these funds for the Broadway Street Corridor: Lower Segment (E. Houston to IH-35) Project.

SECTION 2. Funds in the amount of \$6,000,000.00 are authorized to be received from CPS to Fund 45099000 General Obligation Capital Projects, SAP Project Definition 23-01561 Broadway Street Corridor (E. Houston St. to E. Hildebrand Ave.), WBS element 23-01561-90-09 CPS Contribution, General Ledger 4502280, Contribution from other Agencies.

SECTION 3. Funds in the amount of \$4,000,000.00 are authorized to be received from AT&T to Fund 45099000 General Obligation Capital Projects, SAP Project Definition 23-01561 Broadway Street Corridor (E. Houston St. to E. Hildebrand Ave.), WBS element 23-01561-90-10-01 AT&T Contribution, General Ledger 4502280, Contribution from other Agencies.

SECTION 4. The budget in Fund 45099000 General Obligation Capital Projects, SAP Project Definition 23-01603 Prue Road (Babcock Road to Laureate Dr), shall be revised by increasing SAP WBS element 23-01561-05-02-07-01 CPS Electric Lower, SAP GL account 5201245 - CP Othr-Constr Costs, by the amount of \$6,000,000.00 and by increasing SAP WBS element 23-01561-05-02-10-01 CPS Electric Lower AT&T Lower, SAP GL account 5201245 - CP Othr-Constr Costs, by the amount of \$4,000,000.00

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 General Ledger Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. 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 June, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney