

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

ORDINANCE

APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, J3 COMPANY LLC AND DC CIVIL CONSTRUCTION LLC AND AUTHORIZING PAYMENT TO J3 COMPANY LLC IN THE AMOUNT OF \$140,000.00 FOR WORK PERFORMED RELATED TO THE PORT SAN ANTONIO PROJECT, A 2017 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 4.

* * * * *

WHEREAS, on May 6, 2017, San Antonio voters approved the City of San Antonio's 2017-2022 Bond Program, of which \$24,000,000.00 was approved for drainage improvements associated with the Port San Antonio project with funds being used toward constructing the project, construction oversight and the reimbursement of construction phase design services and utility adjustments; and

WHEREAS, in partnership with the City, the Port Authority of San Antonio agreed to manage and fund the design phase of the project, including the necessary environmental services and manage the preconstruction utility adjustments, the City agreed to contribute \$24,000,000.00 toward the construction and provide construction management services for the Port San Antonio project and fund the preconstruction utility adjustments; and

WHEREAS, the Port San Antonio project is a continuation of the City of San Antonio's commitment to providing an adequate storm water system to reduce on-going flooding risks within the City and the project expands the 36th Street Phase IIIB (Billy Mitchell to General Hudnell) drainage infrastructure built as part of the 2012 General Obligation Bond Program; and

WHEREAS, project construction began in February 2019 and is estimated to be completed by May 2022; and

WHEREAS, this agreement finalizes multiple issues related to the impact of groundwater on the project, associated project delays and the loss of production made by the prime contractor, J3 Company LLC, on behalf of their subcontractor, DC Civil Construction LLC in association with the Port San Antonio project; and

WHEREAS, this ordinance authorizes an Agreement between the City of San Antonio, J3 Company LLC and DC Civil Construction LLC and authorizes payment to J3 Company LLC in the increased amount of \$140,000.00 for the issues related to the impact of groundwater; **NOW THEREFORE:**

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

SECTION 1. The City Manager or his designee is hereby authorized the Agreement between the City of San Antonio, J3 Company LLC and DC Civil Construction LLC and authorizes payment to J3 Company LLC in the increased amount of \$140,000.00 for issues related to the impact of groundwater. A copy of the agreement in substantially final form is attached as **Exhibit I**.

SECTION 2. Payment is authorized to be encumbered and made payable to J3 Company LLC for the Settlement and Release Agreement between the City of San Antonio, J3 Company LLC and DC Civil Construction LLC, in an amount not to exceed \$140,000.00. Payment is in support of the Port San Antonio Project, using Fund 45099000, with WBS Element 23-01633-05-02-01 with General Ledger Account 5201140. Funding is provided by GO Bonds and is budgeted in the FY2021-FY2026 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 June, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

EXHIBIT I
Agreement Port SA

DRAFT