

AN ORDINANCE

2013-05-30-0359

AUTHORIZING THE EXECUTION OF AN OFF-SITE MITIGATION AGREEMENT WITH TCP III STRAUS MEDINA, LLC, IN THE AMOUNT NOT TO EXCEED \$406,000.00, FOR THE CULEBRA 58F DRAINAGE PHASE 2B PROJECT.

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WHEREAS, the Culebra 58F Drainage 2B Project provides for reconstruction of Zarzamora Creek, from approximately 1,600 feet north of Culebra Road, to match channel improvements south of Culebra Road near Laven Drive; and

WHEREAS, as part of this Project, the construction of on-site mitigation is required by the United States Army Corps of Engineers (USACE) Section 404 Individual Permit to offset impacts to Zarzamora Creek; and

WHEREAS this on-site mitigation includes extensive tree planting and bank stabilization; and

WHEREAS, rain events resulted in substantial damage to the Project area and after extensive consideration with regard to the future long-term success of the proposed on-site mitigation, an off-site mitigation opportunity would be mutually beneficial for both City and Liberty Mutual Insurance Company; and

WHEREAS, it was discovered that even a small amount of rainfall within the watershed is capable of causing enough damage to the mitigation features requiring remedial measures to bring them back to compliance with the USACE Mitigation Plan and by moving to the off-site mitigation, it would allow the City to transfer the compliance maintenance responsibility to TRC III; and

WHEREAS, the Straus-Medina Mitigation Area is located adjacent to and will be managed with the Straus-Medina Mitigation Bank; this is the only USACE permitted Mitigation Bank in the Watershed for off-site mitigation and the plan was met with positive response from the USACE and no other mitigation banks that would service the Culebra 58F Drainage Phase 2B project area are currently being planned or permitted with the USACE; and

WHEREAS, this Ordinance authorizes the execution of a Off-Site Mitigation Agreement with TCP III Straus Medina, LLC in an amount not-to-exceed \$406,000.00; **NOW THEREFORE**,

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

SECTION 1. The City Manager or her designee is hereby authorized to negotiate and execute an Of-Site Mitigation Agreement with TCP III Straus Medina, LLC in the amount not to exceed \$406,000.00 for the Culebra 58F Drainage Phase 2B Project.

SECTION 2. The following financial adjustments are hereby approved:

- a) Payment in the amount not to exceed \$406,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00050, Culebra 58F, Phase II B, is authorized to be encumbered and made payable to **TCP III Straus Medina, LLC.**, for off-site mitigation.

- b) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

PASSED AND APPROVED this 30th day of May, 2013.


M A Y O R
Julián Castro

ATTEST:

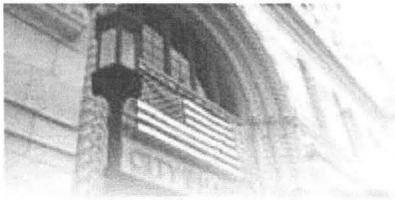


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

 for

Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 10B

Name:	10A, 10B						
Date:	05/30/2013						
Time:	10:53:55 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the execution of an Off-Site Mitigation Agreement with TCP III Straus Medina, LLC, in the amount not to exceed \$406,000.00, for the Culebra 58F Drainage Phase 2B Project.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x			x	
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10	x					