

AN ORDINANCE **69219**

REQUIRING THAT PERSONS AND/OR UTILITY COMPANIES THAT DAMAGE OR DISTURB PUBLIC TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS COMPENSATE THE CITY OF SAN ANTONIO FOR ACTUAL COSTS ASSOCIATED WITH CITY PUBLIC WORKS DEPARTMENT RESTORATION, RECONSTRUCTION AND/OR REPAIR OF SAME IN GENERAL ACCORDANCE WITH TRIPARTY DESIGN PLANS AND SPECIFICATIONS, AND ESTABLISHING A FINE FOR VIOLATION OF THIS ORDINANCE.

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WHEREAS, TriParty Downtown Transportation Improvements have been designed and are being constructed in streets and sidewalks in Downtown San Antonio, Texas which are generally indicated by location in Attachment I; and

WHEREAS, Capital improvement funds for TriParty Downtown Transportation Improvements are being provided in significant amounts as specified below by each of the following contributing entities:

Urban Mass Transportation Authority	\$23,200,000
VIA Metropolitan Transit	7,300,000
Downtown Improvements Special Assessment District	5,200,000
City of San Antonio	5,200,000
TOTAL	<u>\$40,900,000</u> ; and

WHEREAS, certain joint bidder utility companies are expending in excess of \$6,000,000 to install and upgrade underground sanitary sewer, water and cable television utilities before TriParty street and sidewalk improvements are constructed; and

WHEREAS, other utilities, including City Public Service, Southwestern Bell Telephone, American Telephone and Telegraph, and Western Union, were also provided an opportunity to joint bid preliminary utility work and determined prior to design and construction of TriParty Downtown Transportation Improvements, that their installation of upgraded, or repair of existing, underground utilities was unnecessary at that time or were to be completed to the extent necessary prior to TriParty Downtown Transportation Improvements Construction to prevent the future necessity of extensive disturbance to the improved streets and sidewalks after completion of TriParty construction; and

WHEREAS, City Council desires that the quality and integrity of the completed TriParty Downtown Transportation Improvements be forever uniformly preserved and protected against disturbance and damage due to any potential improper replacement and repair in the event that future utility repairs, new utility service connections or other adjacent private construction, excavation, or demolition becomes necessary or, unforeseen damage should otherwise occur to the completed TriParty Improvements;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. It shall be the responsibility of the persons and/or utility companies that damage or disturb public TriParty Downtown Transportation Improvements, which are generally indicated by location in Attachment I hereto,

as may be amended to include further future and similar improvements, to compensate the City of San Antonio for actual costs of labor, equipment, materials and overhead associated with City Public Works Department restoration, reconstruction and/or repair of said improvements in general accordance with TriParty Design Plans and Specifications.

SECTION 2. Persons and/or utility companies causing construction, excavation or demolition to take place within or under, the public TriParty Downtown Transportation Improvements shall be responsible to construct bedding and initial backfill in the excavation up to an elevation to be determined in each instance by the City Engineer, at which point TriParty specified backfill subgrade or base will be constructed by the City Public Works Department. That initial construction of bedding and initial backfill by the person and/or utility company, shall be accomplished in accordance with prudent civil and utility engineering and construction standards. This City Public Works Department construction is a means to assure that the TriParty Improvements restoration, reconstruction and/or repair may be successfully placed above such initial construction, excavation or demolition conducted by persons and/or utility companies.

SECTION 3. TriParty Improvements pavement, including subgrade, base course(s), and surface course, will be replaced by City Public Works Department forces to generally conform to design sections indicated on applicable construction documents for the TriParty Downtown Transportation Improvements Project. These construction documents shall include drawings and specifications as originally prepared by:

- * Package 1 - Johnson, Johnson & Roy, Inc. and others;
- * Package 2 - Ford, Powell & Carson and others;
- * Package 3 - LAN/Saldana and Amphion Environmental;

and any and all changes or modifications to those documents made during the course of original construction as evidenced in the "as-built" record drawings.

Where, in the opinion of the Director of Public Works, it is necessary for the City Public Works Department to modify original construction methods, materials, or design to achieve the intent of the original TriParty Improvements design, those additional changes shall also be incorporated by the City in the TriParty Improvements restoration, reconstruction and/or repair, and paid for by the person and/or utility company.

SECTION 4. Any person or utility company considering construction, excavation, or demolition activity within, or under the TriParty Improvements shall in advance of same, submit design plans to the City's Building Inspector for review and comment and shall secure proper permits and/or approvals and pay appropriate fees as otherwise required by the San Antonio City Code. Additionally, the person or private utility company that intends to disturb TriParty Improvements shall post a bond, make a cash deposit with the City, or provide other suitable forms of financial security as determined by the City's Building Inspector in an amount that approximates the projected costs of inspection/observation, labor, equipment, materials, and overhead associated with the City Public Works Department restoration, reconstruction and/or repair activities as estimated in writing and in advance of construction by the City Engineer. Upon completion of the work conducted by

the Public Works Department, the person or utility company shall be presented with a final invoice stating the actual costs incurred by the Public Works Department listed by general accounting categories. Within thirty (30) days of City issuance of the final invoice to the person or utility company, reimbursement to the City shall occur. Upon satisfactory payment of the invoice, the City shall release any remaining forms of financial security posted by the person or private utility company.

SECTION 5. Emergency conditions requiring immediate response by affected parties may warrant the City's Building Inspector to exercise hereby authorized discretion to waive and/or modify normal standard procedures outlined herein and to promulgate special written conditions to expeditiously address the resolution of the emergency conditions.

SECTION 6. To the maximum extent permitted by applicable law, this ordinance shall apply to previously authorized franchise agreements and licenses or contracts allowing use of the City's public right-of-way.

SECTION 7. Conviction for violation of this Ordinance shall be punishable by a fine in San Antonio municipal court not to exceed (\$500.00) FIVE HUNDRED DOLLARS, and City Council hereby directs that any said fines collected be deposited into Fund No. 29, Project 014000, Streets/Drainage Maintenance and Improvement Fund.

PASSED AND APPROVED THIS 10th DAY OF April, 1989.

Henry Cisneros
MAYOR

ATTEST:

Norma J. Rodriguez
CITY CLERK

APPROVED AS TO FORM:

Tom Trulley
CITY ATTORNEY

89-15

AVIATION

BUDGET & RESEARCH

BUILDING INSPECTIONS

BUILDING INSPECTIONS-HOUSE NUMBERING

CITY PUBLIC SERVICE

CITY WATER BOARD

CITY ATTORNEY

LUIS GARCIA, MUNICIPAL COURT

REAL ESTATE DIVISION

TRIAL SECTION

COMMERCIAL RECORDER

COMMUNITY DEVELOPMENT (BASEMENT)

CONVENTION & VISITORS BUREAU

CONVENTION FACILITIES

DOWNTOWN INITIATIVES

ECONOMIC & EMPLOYMENT DEVELOPMENT (DEED)

ENVIRONMENTAL MANAGEMENT (IRMA REYNA)

FINANCE DIRECTOR

ASSESSOR

CONTROLLER

GRANTS

RISK MANAGEMENT

TREASURY DIVISION

FIRE DEPARTMENT

HUMAN RESOURCES & SERVICES

INFORMATION RESOURCES

LIBRARY

MARKET SQUARE

METROPOLITAN HEALTH DISTRICT

MUNICIPAL COURTS

NEIGHBORHOOD INITIATIVES

PARKS & RECREATION

PERSONNEL

PLANNING

ZONING ADMINISTRATION

POLICE DEPARTMENT

PUBLIC UTILITIES

PUBLIC WORKS

CAPITAL PROJECTS MANAGEMENT

CENTRAL MAPPING

ENGINEERING

REAL ESTATE (BILL TOUDOUZE)

TRAFFIC ENGINEERING

PURCHASING & GENERAL SERVICES

SPECIAL PROJECTS-CITY MANAGER

KAREN KIEWER-ASST. TO CITY MANAGER

OFFICE OF WATER RESOURCES MANAGEMENT

1 VIA

1 MUN. CODE CORP.

ITEM NO. 22

MEETING OF THE CITY COUNCIL

DATE: APR 6, 1989

MOTION BY: Hassloch

SECONDED BY: Dutmer

ORD. NO. 69219

ZONING CASE _____

RESOL. _____

PETITION _____

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		absent	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		absent	
WALTER MARTINEZ PLACE 5		absent	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
NELSON WOLFF PLACE 8		✓	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

89-15

PUBLISH June!

Sec-29-21

ATTACHMENT I

TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS

Public TriParty Improvements to be constructed in the Triparty Downtown Transportation Improvements Project areas include streets and sidewalks between building fronts, where applicable, and within public right-of-way boundaries, and in some instances are affixed to private structures or right-of-way pursuant to license and/or easement agreements within the general limits of the following streets and sidewalks:

Alamo Street: Southside of Market Street to Northside of Houston Street

Blum Street: Alamo to Rivercenter Property line

Broadway: Travis Street to Houston Street

College Street: Losoya Street to St. Mary's Street

Commerce Street: Alamo Street to Westside of Santa Rosa Blvd.

Crockett Street: Westside of Navarro Street to Alamo Street and Alamo East to Bonham Street

Dolorosa - Market: Westside of Santa Rosa Blvd. to Eastside of Alamo St.

Houston Street: Avenue E. to Santa Rosa Blvd.

Jefferson Street: Southside of Martin Street to Houston Street

Losoya Street: Houston Street to Southside of Market Street

Navarro Street: Nueva Street to Romana Plaza

Presa Street: Houston Street to Market Street

Romana Plaza including improved portions of Main, Navarro, Soledad, San Pedro, Camden, Jackson and Romana Streets.

St. Mary's Street: Nueva Street to Navarro Street (adjacent to Southwest Craft Center)

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

AGENDA ITEM NO. 22

TO: Mayor and City Council
FROM: Frank Perry, Director, Department of Downtown Initiatives
COPIES TO: File
SUBJECT: ORDINANCE PROVIDING PROTECTION TO TRIPARTY
DOWNTOWN TRANSPORTATION IMPROVEMENTS

Date March 28, 1989

SUMMARY AND RECOMMENDATION:

This ordinance requires payment to the City for reconstruction by the City of TriParty Downtown Transportation Improvements in the event that construction or any other activity should disturb the improvements, establishes procedure for assuring compliance, and assesses fines for failure to comply. Staff recommends approval.

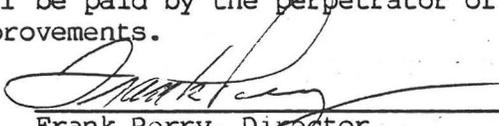
POLICY CONSIDERATIONS:

This ordinance provides that only the City Department of Public Works shall reconstruct TriParty Downtown Transportation Improvements in accordance with TriParty Downtown Transportation Improvements as-built plans and specifications in any event of excavation or other disturbance of improved TriParty public right-of-way. In addition, the ordinance requires that cost of engineering, testing, inspection and reconstruction provided by the City of San Antonio Public Works Department shall be paid by the perpetrator of the disturbance to TriParty Downtown Transportation Improvements.

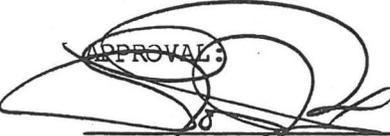
Provision is made for emergency utility repairs as well as planned construction activity and any damage which may be inflicted to TriParty Downtown Transportation Improvements due to accidental or intentional activity.

FINANCIAL CONSIDERATION:

No funds are appropriated in this ordinance. Cost for the City Public Works Department materials and labor will be paid by the perpetrator of disruption to TriParty Downtown Transportation Improvements.



Frank Perry, Director
Department of Downtown Initiatives



Louis J. Fox
City Manager

FP:alh

file w/ord.

STATE OF TEXAS)
COUNTY OF BEXAR)

BEFORE ME, the undersigned authority:

personally appeared Rebecca T. Martinez

to me personally known to be the Bookkeeper

OF THE EXPRESS-NEWS CORPORATION, daily newspapers published in the City of San Antonio,
in the county and state aforesaid, and being by me first duly sworn, deposes and says that the
advertisement of

City Of San Antonio, City Clerk

appeared in all editions of said newspaper on the following dates:

April 13, 1989

AN ORDINANCE 69219
 REQUIRING THAT PERSONS AND/OR UTILITY COMPANIES THAT DAMAGE OR DISTURB PUBLIC TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS COMPENSATE THE CITY OF SAN ANTONIO FOR ACTUAL COSTS ASSOCIATED WITH CITY PUBLIC WORKS DEPARTMENT RESTORATION, RECONSTRUCTION AND/OR REPAIR OF SAME IN GENERAL ACCORDANCE WITH TRIPARTY DESIGN PLANS AND SPECIFICATIONS, AND ESTABLISHING A FINE FOR VIOLATION OF THIS ORDINANCE.
 PASSED AND APPROVED THIS 6th DAY OF APRIL, 1989.

ATTEST:
 /s/ Norma S. Rodriguez
 CITY CLERK

/s/ Henry Cisneros
 MAYOR

[Handwritten signature of Norma S. Rodriguez]

Subscribed and sworn to this 20th day of April, 19 89



Barbara Burleson
Notary Public, State of Texas

My Commission Expires _____