

AN ORDINANCE **98785**

**ACCEPTING A PROPOSAL AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$165,337.25 FROM CERTIFICATES OF OBLIGATION TO EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P., FOR ENVIRONMENTAL REMEDIATION SERVICES UNDER AN EXISTING PROFESSIONAL SERVICE AGREEMENT IN CONNECTION WITH THE MISSION TRAILS PACKAGE 2 MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

\* \* \* \* \*

**WHEREAS**, a Phase II investigation identified non-hazardous waste debris within the proposed roadway alignment associated with the Mission Trails Package 2 Project; and

**WHEREAS**, it is therefore necessary to provide for the removal, transportation, and disposal of soil and materials in connection with the Project; **NOW THEREFORE**,

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

**SECTION 1.** The amount of \$165,337.25 is hereby authorized to be paid to Eagle Construction and Environmental Services, L.P. (Eagle), for environmental services necessary to the Mission Trails Package 2 Project. Said work is within the scope of an existing Environmental Professional Services Consulting Contract that was originally authorized by Ordinance No. 95847, dated May 30, 2002, also known as a stand-by or on-call professional services agreement.

**SECTION 2.** A copy of the proposal is attached hereto and incorporated herein verbatim for all purposes as Attachment A; however, any provision or verbiage in the Eagle proposal (Attachment A) which conflicts with or purports to depart from provisions of the controlling contract, authorized by Ordinance No. 95847, shall be and are hereby disregarded as unauthorized by this Ordinance. This Ordinance does not amend or modify said controlling contract.

**SECTION 3.** Financial provisions or adjustments to effect this Ordinance are hereby approved as follows:

(a) The budget and encumbrance in fund 43-152008, 2002 MPO Certificates of Obligation, shall be revised by reducing index code 313080, entitled Engineering Contingency, by the amount of \$165,337.25.

(b) The amount of \$165,337.25 is appropriated in fund 43-152014, 2002 MPO Certificates of Obligation, in index code 933309, entitled Transfer to 40-002083 Mission Tr Pkg 2. The amount of \$165,337.25 is authorized to be transferred from fund 43-152014 to fund 43-002083.

(c) The budget in fund 40-002083, Street Improvements, shall be revised by reducing index code 122655, entitled Funds to be Identified, and increasing index code 108514, entitled Transfer from 43-152014 Mission Tr Pkg 2, by the amount of \$165,337.25.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance shall take effect on February 15, 2004.

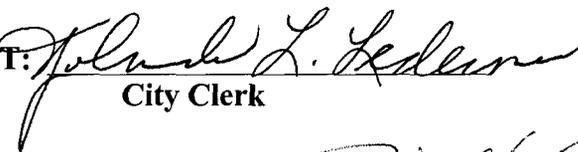
**PASSED AND APPROVED** this 5<sup>th</sup> day of February, 2004.



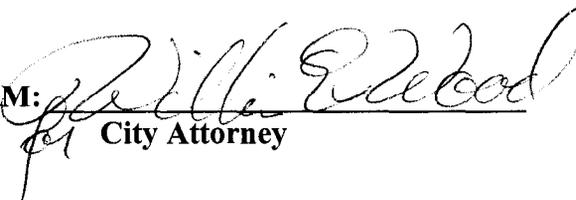
M A Y O R

EDWARD D. GARZA

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney