

AN ORDINANCE

97849

APPROVING A BROWNFIELDS REDEVELOPMENT PROGRAM PROJECT, UNDER PROVISIONS OF THE CITY'S GRANT FROM THE U.S. EPA, AUTHORIZING A PARTICIPATION UNDERSTANDING WITH CONSENT FOR PROMOTIONAL USE AND RIGHT OF ACCESS BETWEEN THE CITY OF SAN ANTONIO AND C.A.N. INDUSTRIES, INC., AND AUTHORIZING PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES NECESSARY TO ACCOMPLISH AN ENVIRONMENTAL SITE ASSESSMENT IN THE AMOUNT OF \$34,042.00 BY DRASH CONSULTING ENGINEERS, INC., UNDER AN EXISTING ENVIRONMENTAL CONSULTING SERVICES AGREEMENT; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City of San Antonio has been awarded a \$200,000.00 grant from the U.S. EPA to fund various qualified Brownfields Redevelopment Program Projects (Program), which funds are to be used to accomplish Phase I and Phase II Environmental Site Assessments (ESAs) intended to evaluate environmental conditions of "abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination"; and

WHEREAS, the Program does not fund physical remediation tasks, but rather accomplishes assessment predicate to and necessary to remediation, if necessary; and

WHEREAS, this Ordinance provides for Program assessment of approximately 13 acres owned by C.A.N., Industries, Inc., (C.A.N) which candidate site is located on the east side of the 1400 block of S. Flores between the Union Pacific railroad track and E. Cevallos Street; and

WHEREAS, Drash Consulting Engineers, Inc., have submitted a \$34,042.00 proposal scoping the assessment for the C.A.N. site, which proposal has been reviewed and recommended for acceptance by the City's Department of Environmental Services, and which engineering firm is presently employed by the City under a stand-by professional services agreement; **NOW THEREFORE**,

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

SECTION 1. The City Manager, Assistant City Manager, or an Assistant to the City Manager is authorized to execute a Participation Understanding with Consent for Promotional Use and Right of Access with C.A.N. Industries, Inc., ("Participation Consent") to bring the subject property into the City's Brownfields Redevelopment Program and for

performance of an environmental assessment, a substantially correct copy of which Participation Consent is attached and incorporated herein for all purposes as Attachment I, and to execute what other documents may be necessary to the project upon review and advisement of the Office of the City Attorney.

SECTION 2. The assessment proposal tendered by Drash Consulting Engineers, Inc., (Drash) Attachment II, dated April 30, 2003, is accepted to accomplish the environmental assessment. This proposal is provided by Drash under authority of an existing stand-by professional services agreement evidenced by Ordinance No. 95384, passed and approved by City Council on February 28, 2002.

SECTION 3. The Participation Consent authorized in Section 1 shall be fully executed within forty-five (45) calendar days of the effective date of this Ordinance; otherwise, consent for the Participation Consent shall terminate unless revived by subsequent City Council action.

SECTION 4. Financial adjustments to effect this Ordinance are as follows:

(a) This ordinance authorizes payment to Drash Consulting Engineers, Inc., in the amount of \$34,042.00 from Fund No. 26-010001, Index No. 649251.

(b) 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 Manager's designee correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

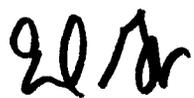
SECTION 5. This Ordinance shall be effective on July 6, 2003.

PASSED and APPROVED this 26th day of **June, 2003.**

ATTEST:



City Clerk


M A Y O R
EDWARD D. GARZA

Approved as to form:



for City Attorney