

CONSENT AGENDA
ITEM NO. 11

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer; Andrew Martin; Louis A. Lendman; Milo D. Nitschke; and file

SUBJECT: Salado 15R Dam Site – McAllister Park, Phase II

DATE: June 5, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance amends an agreement with The San Antonio River Authority and authorizes an additional \$500,000.00 from Regional Stormwater Detention Facilities funds, payable to San Antonio River Authority for the construction of Phase II of the Salado 15R flood control dam being constructed in McAllister Park, which is located in Council District 9.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

In 1962, The San Antonio River Authority (SARA) and the Natural Resources Conservation Service (NRCS) were named as local sponsors of the federally authorized Salado Creek Watershed Protection and Flood Prevention Project (Salado 15R) to be constructed at McAllister Park. In July 1964, The City of San Antonio was included as a co-sponsor for the development of recreational facilities at Salado Site 15R.

The City acquired approximately 650 acres of land needed to construct a floodwater retention facility at Salado Site 15R and to develop part of this land for McAllister Park. Previous council action authorized agreements with the City and SARA for the acquisition of the remaining land rights required for the construction of a dam and recreational facilities.

A construction agreement was originally approved by City Ordinance No. 92634 on October 5, 2000 and initially authorized \$1,000,000.00 for the construction of Phase II. This Council action will amend the agreement and authorize an additional amount of \$500,000.00 for the construction of Phase II. It is the City's responsibility to provide all costs above the federal NRCS commitment of \$3,000,000.00. The total cost of the Phase II construction of the Dam is \$4,500,000.00.

Phase I construction of the Salado 15R Dam was completed in April 2000. This work consisted of constructing the majority of the earthen portions of the dam's footprint. Phase II construction work will include the adjustment of an existing sewer line, final earthwork, and installation of the principal spillways. The dam is scheduled for completion by Spring 2004.

This ordinance amends Ordinance No. 86711 dated November 25, 1997, Ordinance No. 88480 dated November 17, 1998, and Ordinance No. 92634 dated October 5, 2000 and authorizes the agreement attached.

POLICY ANALYSIS

Approval of this ordinance will be consistent with City Council policy to cooperate with SARA on the development and construction of flood prevention projects. When the City adopted the Drainage ordinance in September 1997, a Drainage Utility was created establishing fees paid in lieu of constructing on-site detention ponds. These fees were specifically earmarked for Drainage Improvements and construction of a Regional Detention Pond System. Salado 15R Dam will be one of the first regional ponds to be constructed in the system.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and included in the Regional Stormwater Detention Facilities Fund Schedule. Funds in the amount of \$500,000.00 are available from the Regional Stormwater Detention Facilities Fund and are authorized payable as follows:

\$500,000.00	payable to San Antonio River Authority for construction expenses
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COORDINATION

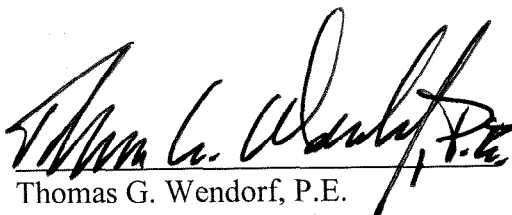
This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department, the City Attorney's Office, and the San Antonio River Authority.

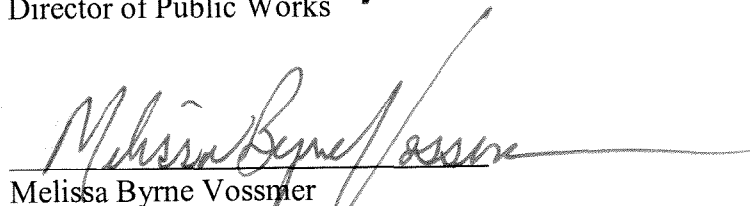
SUPPLEMENTARY COMMENTS

The construction work will be competitively bid by SARA; therefore, a Discretionary Contracts Disclosure Form is not required.

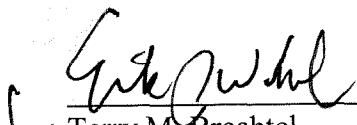
ATTACHMENTS

1. Interlocal Agreement
2. Project Work Plan, Attachment A
3. Quarterly Construction Draws, Attachment B
4. Sample Invoice, Attachment C
5. Project Map


Thomas G. Wendorf, P.E.
Director of Public Works


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

**AGREEMENT BETWEEN THE
SAN ANTONIO RIVER AUTHORITY
AND
CITY OF SAN ANTONIO
DEPARTMENT OF PUBLIC WORKS**

4/09/03 version

**AUTHORIZING AN EXPENDITURE OF FUNDS PAYABLE TO THE
SAN ANTONIO RIVER AUTHORITY
FOR CONSTRUCTION OF SALADO SITE 15R**

This **AGREEMENT** is entered into this _____ day of June 2003, by and between the San Antonio River Authority (hereinafter referred to as "**SARA**") and the City of San Antonio-Department of Public Works (hereinafter referred to as "**CSA-PW**"), collectively hereinafter referred to as "**THE PARTIES**", for the development of the Floodwater Retarding Structure No. 15 Revised of the Salado Creek Watershed hereinafter referred to as "**SALADO 15R**";

WITNESSETH THAT:

WHEREAS, under the Federal provisions of the Public Law 83-566, Stat 666, Watershed Protection and Flood Control Act, 1954, as amended, SARA and the Natural Resource Conservation Service (NRCS), United States Department of Agriculture, have agreed to plan and construct **SALADO 15R**; and

WHEREAS, SARA is the local sponsor with the NRCS ; and

WHEREAS, on September 21, 1998, SARA and the NRCS signed a Project Agreement designating SARA as the Contracting Local Organization, with certain financial, contracting, and technical duties, including local funding needs above the federally appropriated levels; and

WHEREAS, the **SALADO 15R** project will provide significant flood protection to property owners downstream and is one of the highest priority flood mitigation projects in the Salado Creek watershed; and

WHEREAS, through a letter dated May 27, 1999, the CSA-PW agreed to provide local funding support up to \$1,500,000 to augment federal appropriations and to heighten the federal priority for **SALADO 15R**; and

WHEREAS, through City of San Antonio Ordinance No. 92634, dated October 5, 2000, the City of San Antonio authorized \$1,000,000 in funds for the Phase 2 construction, payable to SARA on **SALADO 15R**; and

NOW THEREFORE, CSA-PW and SARA have agreed on the terms and conditions pursuant to which said local funds for **SALADO 15R** can be issued, which are as follows:

A. SARA agrees:

1. To construct and provide all construction administration work in cooperation/partnership with the NRCS as described in Attachment "A", related to the **SALADO 15R** project.
2. To coordinate all construction services of the **SALADO 15R** project with CSA-PW personnel.
3. To estimate quarterly construction funds required and coordinate the advance payments with CSA-PW.
4. To submit to CSA-PW project as-built drawings upon completion of the construction contract for the project.
5. To operate and maintain (O&M) the completed structure to NRCS standards including inspection requirements.

B. CSA-PW agrees:

1. To pay SARA in advance of each quarter, upon receipt of billing, per Attachments "B" & "C", the estimated construction and construction contingency for project modifications as estimated and deemed necessary by SARA, within one (1) month of receiving billing, for work associated with the **SALADO 15R** project. CSA-PW agrees to pay SARA for such work in an amount not to exceed \$1,500,000 (contingency included). Such amount is based upon the pre-bid engineer's estimate of the construction costs plus a 10% construction contingency. The actual amount of funds required may need to be adjusted based on the actual low-bid proposal accepted by SARA. Attachment "A" attached hereto and incorporated herein for all purposes and defines the scope of SARA's construction and construction administration services effort.
2. To grant SARA the O&M/access easements as described in Attachment "D".

C. THE PARTIES mutually agree:

1. SARA will provide CSA-PW an itemized accounting of actual costs for the construction as work progresses and upon project completion.
2. The upper limit for construction costs shall not be exceeded without prior written authorization granted by CSA-PW. A request to change the upper limit must be made in writing in advance of the actual need. Approval of legitimate requests for increases to the upper limit shall not be unreasonably withheld by CSA-PW. Under no circumstances shall the CSA-PW amount exceed \$1,500,000.
3. If the amount paid to SARA is more than the actual cost, the excess amount will be returned to the City of San Antonio.

All prior and contemporaneous agreements of THE PARTIES are incorporated in this written AGREEMENT.

This AGREEMENT may be amended, changed or varied only by written instrument signed by both SARA and CSA-PW.

IN TESTIMONY WHEREOF, THE PARTIES hereto have caused these presents to be executed in duplicate on the day above stated.

SAN ANTONIO RIVER AUTHORITY

**CITY OF SAN ANTONIO
DEPARTMENT OF PUBLIC WORKS**

BY:

GREGORY E. ROTHE, P.E.
GENERAL MANAGER

BY:

THOMAS G. WENDORF, P.E.
DIRECTOR

DATE: _____

DATE: _____

ATTEST:

ATTEST:

ATTACHMENT "A"

**City of San Antonio (C.S.A.)
San Antonio River Authority**

**Project Work Plan
for Construction of the
Salado Creek Flood Retarding Dam (Site 15R)**

SARA DATA

Project Manager:	Greg Schwarz, P.E.
Director of Watershed Management	Stephen Graham, P.E.
Assistant GM/Chief Engineer:	Steve Ramsey, P.E., R.P.L.S.
General Manager:	Greg E. Rothe, P.E.

As the Local Sponsor and project partner, the San Antonio River Authority (SARA) is responsible for administering and funding real estate requirements, utility re-locations and project management. SARA will do final O&M of the completed project.

NATURAL RESOURCE CONSERVATION SERVICE DATA

As the federal agency the Natural Resource Conservation Service (NRCS) is responsible for planning, designing and construction.

CITY OF SAN ANTONIO DATA

Project Manager:	Dean Bayer, P.E.
Public Works Director:	Thomas G. Wendorf, P.E.

As a project partner, the City of San Antonio will provide the local funds beyond the federal capacity for construction costs.

OVERALL PROJECT OBJECTIVE(S)

Project Need or Background: Project Requirements:

The Dam is designed to temporarily hold the 100 year flood event, per NRCS criteria. The structure has a drainage area of 10,349 acres (16.17 square miles). The total flood storage capacity is 3,405 acre feet of which 55 acre-feet are for sediment storage.

The embankments areas will be vegetated with grasses and the emergency spillway of the dam will be constructed of roller compacted concrete (RCC).

Installation of the Salado 15R will reduce or eliminate the flooding to one hundred twenty six (126) homes, sixteen (16) businesses, two (2) churches, two (2) schools, one apartment complex, six (6) federal government maintenance and public use facilities, two (2) city managed public use facilities, four (4) roadway crossings. The value of this property is approximately \$4.1 million. The value of the property not removed from the flood plain is \$1.8 million.

During the storm of October 17-18, 1998, the existing Salado Creek Watershed structures performed as planned. The San Antonio vicinity received 20+ inches of rainfall. If Floodwater Retarding Structure 15Rev had been constructed, floodwater depths at Salado Creek and N.E. Loop 410 would have been reduced by approximately an additional four (4) feet.

CONSTRUCTION:

Phase 1 was completed in April 2000. This phase built about 90% of the dam but did not construct the emergency and principal spillways and so as to 'close the gap' at Mud Creek nor Lorenz Creek, and therefore the structure detains no flood water at this time.

The start of Phase 2, will begin in the Summer of 2003. Phase 2 will construct the roller compacted concrete (RCC) emergency and principal spillways thereby closing the gaps. Phase 2 construction is estimated to take 12-18 months to complete.

Phase One, Construction:

(Completed)

Phase Two, Construction:

1. Advertise, bid, and award a construction contract.
2. Provide construction contract administration.
3. Prepare monthly estimates.
4. Coordinate construction with City of San Antonio staff, including quarterly estimates of construction funds required.
5. The NRCS will provide construction inspection and engineering services.

Project Deliverables:

1. Phase One, Construction:

(Completed)

2. Phase Two, Construction:

- a. Project as-builts.
- b. Monthly pay estimates.
- c. Quarterly estimate of CSA-PW required funds.

- The CSA-PW's share of estimated quarterly funds to be paid to SARA is attached (see Attachment "B").

- Attachment "B" will be modified by SARA and submitted to CSA-PW thirty (30) days prior to the beginning of each quarter. The revised Attachment "B" will be the basis for disbursing funds to SARA at the beginning of each quarter.

ATTACHMENT "B"

PROJECT: Salado Creek Flood Retarding Dam (Site 15R) (Phase II) (estimated City funds required)

PROJECT BUDGET CODE: 41521014 (for SARA use only)

PROJECT MANAGER: Greg Schwarz / Jim Blair for SARA
Dean Bayer for CSA-DPW

DATE: 4/9/03

ESTIMATED QUARTERLY DRAWS

		June 03	July 1, 2003	Aug. 02	Sept. 03	Oct. 1, 2003	Nov. 03	Dec. 03	Jan. 1, 2004	Feb 04	Mar.04	Apr. 1, 2004
Constr. Admin												
Const. *		\$250,000				\$250,000			\$500,000			\$250,000
Real Estate												
Warranty												
TOTAL		\$250,000				\$250,000			\$500,000			\$250,000

	May 04	June 04	July 1, 2004	Aug 04	Sept 04	Oct. 1, 2004	Nov. 04	Dec. 04	Jan. 1, 2005	Feb 04		Total
Constr. Admin												
Const. *			\$250,000									\$1,500,000
Real Estate												
Warranty												
TOTAL			\$250,000									\$1,500,000

* Assumes using most of the authorized contingency for construction

ATTACHMENT "C"

CITY OF SAN ANTONIO ESTIMATE FOR PAYMENT

Estimate No. _____ Period: From _____ To _____
Project Name **Salado Creek Flood Retarding Structure (Site 15R) - Construction**

Appropriations:

Date	Ordinance No.	Amount
Fund No.	Object	Index Code
Project No.		

The City of San Antonio will pay to:

San Antonio River Authority

for services for the above named project in accordance with the duly executed Interlocal Contract.

Fee Computation:	Fee Classification
Percent complete	Total Work Completed to Date
	Less Previous Payments
	Amount Due this Estimate

Description:

Certification is hereby made that to the best of our knowledge and belief this statement is true and correct and is eligible for payment.

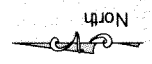
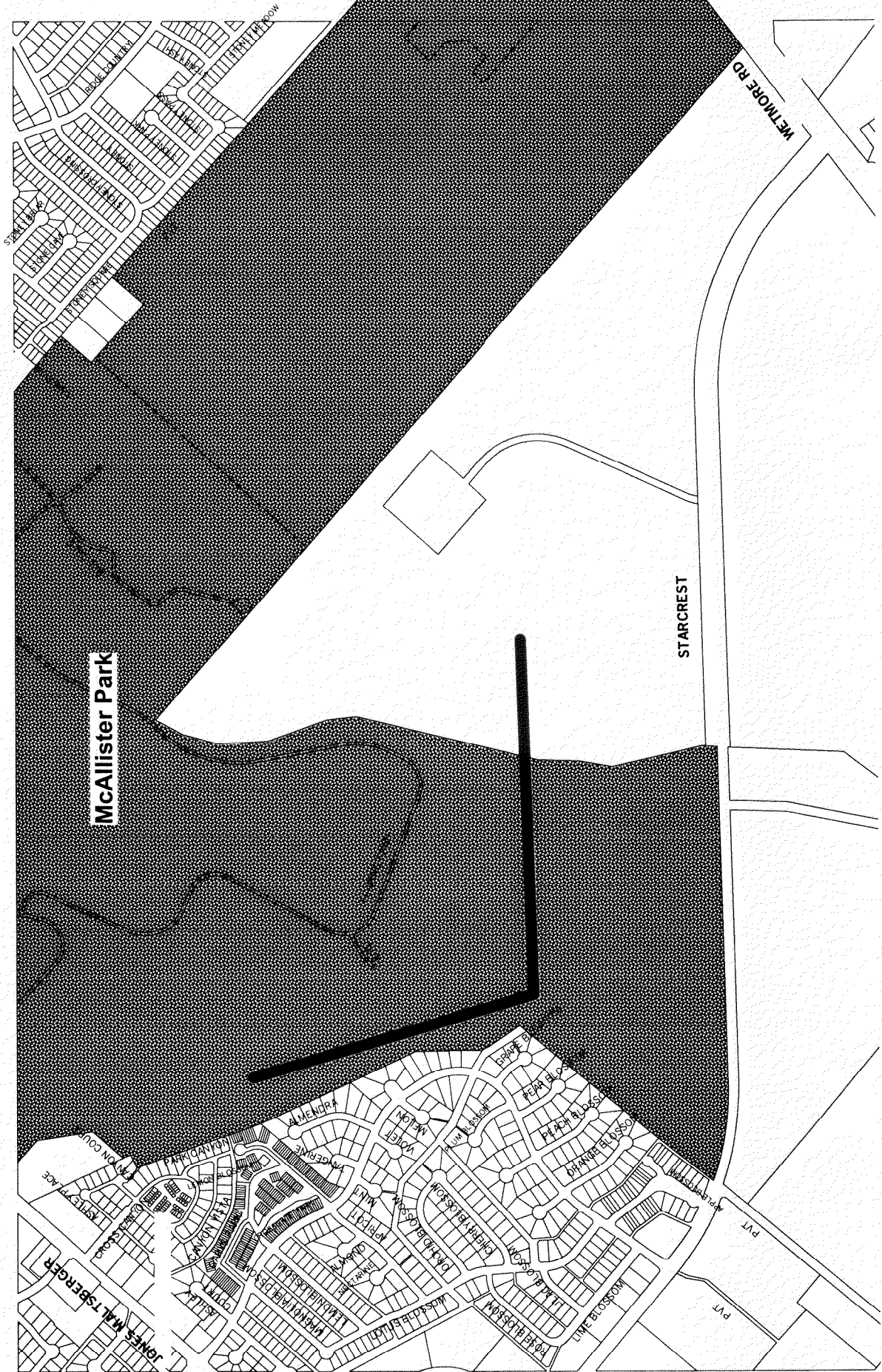
Leroy J. Kowalik
San Antonio River Authority
Controller

Dean Bayer, P.E.
City of San Antonio
CSA Project Manager

Stephen T. Graham, P.E.
San Antonio River Authority
Director of Watershed Management

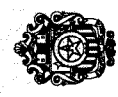
Thomas G. Wendorf, P.E.
City of San Antonio
Director of Public Works

SALADO 15R DAM

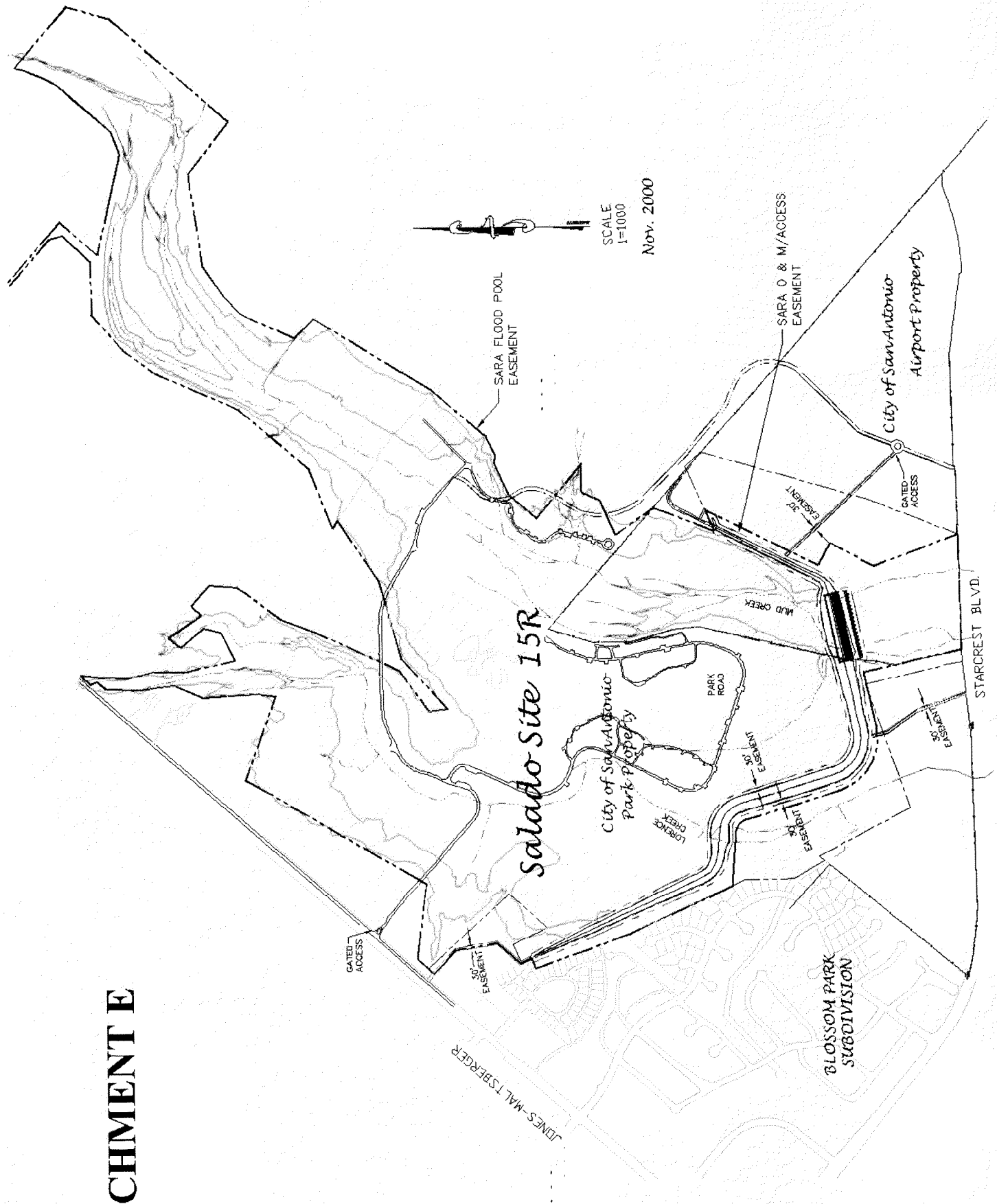


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CITY OF SAN ANTONIO
Department of Public Works
Capital Programs Division



ATTACHMENT E



AN ORDINANCE **92634**

AUTHORIZING REGIONAL DETENTION POND FUNDS IN AN AMOUNT NOT TO EXCEED \$1,000,000.00 PAYABLE TO THE SAN ANTONIO RIVER AUTHORITY FOR THE CONSTRUCTION OF PHASE II OF THE SALADO 15R FLOOD CONTROL DAM BEING CONSTRUCTED IN MCALLISTER PARK, LOCATED IN COUNCIL DISTRICT 9. (Amends Ordinance No. 86711, of November 25, 1997 and 88480 of November 17, 1998).

* * * * *

WHEREAS, in July, 1964, the City of San Antonio was named co-sponsor with the San Antonio River Authority (SARA) and the Natural Resources Conservation Service (NRCS) for the development of recreational facilities at Salado site 15R; and

WHEREAS, Ordinance Number 86711, passed and approved on September 25, 1997, established a fund using fees paid in lieu of constructing on-site detention ponds, to be allocated for drainage improvements and construction of a Regional Detention Pond system; and

WHEREAS, Ordinance Number 88480, passed and approved on September 17, 1998, authorized an Agreement granting temporary construction easements to SARA for construction of the 15R Dam in McAllister Park; and

WHEREAS, Phase I of the Salado 15R Dam, consisting of constructing the majority of earthen portions of the Dam's footprint, was completed in April, 2000; and

WHEREAS, Phase II will include the adjustment of an existing sewer line, final earthwork, and installation of the principal spillways; and

WHEREAS, approval of this ordinance is consistent with the City's policy to cooperate with SARA on the development and construction of flood prevention projects; **NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO;**

SECTION 1. The budget in Fund 29-023000 (Miscellaneous Special Revenue Fund-Stormwater Operating Fund), Drainage Detention Pond Fund, in Index Code 925750 entitled Transfer To Capital Projects, is reduced by \$1,000,000.

SECTION 2. The budget in Fund 29-023001 (Miscellaneous Special Revenue Fund-Stormwater Detention Project), Index Code 925107 entitled Transfer to 40-006018 Salado 15R Dam Site - McAllister Park, Phase II, is increased by \$1,000,000.00 and funds in that amount are authorized to be transferred.

SECTION 3. The budget in Fund 40-006018, Salado 15R Dam Site - McAllister Park Project, shall be revised by increasing Index Code 128520, entitled Transfer from 29-023001, in the amount of \$1,000,000.00.

SECTION 4. The amount of \$1,000,000.00 is appropriated in Fund 40-006018, B Salado 15R Dam Site - McAllister Park Project, in Index Code 677302, entitled Construction Contract, and is authorized to be encumbered and made payable to San Antonio River Authority in connection with the Salado 15R Dam Site - McAllister Park Project.

SECTION 5. 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 allocations to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

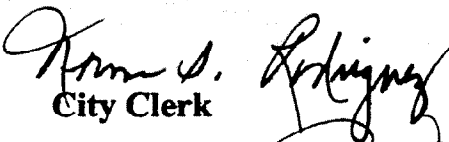
SECTION 6. This Ordinance shall take effect ten days from the date of passage hereof.

PASSED AND APPROVED this 5th day of October, 2000.


M A Y O R

Howard W. Peak

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

00-37