

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

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

**SUBJECT:** South Flores – Malone to Octavia, Thousand Oaks Intersections, Tezel Road – Timber Path to Old Tezel Road

**DATE:** February 24, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$559,384.36 payable to the Texas Department of Transportation (TxDOT), for the City's increased portion of the construction cost in connection with the South Flores – Malone to Octavia project, the Thousand Oaks Intersections project and the Tezel Road – Timber Path to Old Tezel Road project. This ordinance also authorizes funds in the amount of \$13,361.20 for Construction Contingency and \$23,490.00 payable to Drash Consulting Engineers, Incorporated for environmental monitoring and oversight services in connection with the South Flores – Malone to Octavia project, funds in the amount of \$6,458.13 for Construction Contingency in connection with the Thousand Oaks Intersection project and funds in the amount of \$36,119.11 for Construction Contingency in connection with the Tezel Road – Timber Path to Old Tezel Road project for a total ordinance amount of \$638,812.80 funded from Certificates of Obligation. These projects are authorized 1999-2004 General Obligation Street Improvement Bond and Metropolitan Planning Organization (MPO) funded projects, located in Council Districts 3, 5, 6, 7, 9 and 10.

This ordinance shall become effective immediately upon eight affirmative votes. Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

TxDOT received bids for these projects on January 11 and 12, 2005, and the lowest acceptable bids increased the City's portion of the construction cost for South Flores – Malone to Octavia project to \$788,580.89, which is 21% higher than the original estimated amount of \$637,267.97, the Thousand Oaks Intersection project to \$377,033.03, which is 22% higher than the original estimated amount of \$293,670.78 and the Tezel Road – Timber Path to Old Tezel Road to \$2,473,611.61 which is 19% higher than the original estimated amount of \$2,080,244.45. Increases in construction cost are attributed to increases in the price of concrete and to roadway excavation. TxDOT is requesting an additional \$559,384.36 from the City for its share of the projects prior to proceeding with construction.

This ordinance will allow the City to provide TxDOT the additional \$559,384.36, for the City's portion of the increased construction costs in connection with all three projects, authorizes payment to Drash Consulting Engineers, Incorporated for environmental monitoring and oversight for the South Flores – Malone to Octavia project, and proportionately increases Construction Contingency for all projects.

The original estimated amount for the South Flores – Malone to Octavia project was approved by City Council on January 20, 2005 through Ordinance Number 100313. This project provides for the reconstruction of South Flores from Malone to Octavia to a 4-lane, 44-foot width roadway to include curbs, sidewalks, driveway approaches, an underground storm drain and an improved turn lane at the Pleasanton Road intersection. Due to environmental concerns it is necessary to provide environmental monitoring and oversight during excavation. A proposal from Drash Consulting Engineers, Incorporated has been received to provide these services. A previously executed Professional Services Agreement for professional environmental services with Drash Consulting Engineers, Incorporated in an amount not to exceed \$180,000 was approved by City Council on February 28, 2002, through Ordinance No. 95384. As of February 7, 2005, \$85,329.00 has been expended for services provided under this Professional Services Agreement. Project construction is anticipated to begin in March 2005 and to be completed by June 2006.

The original estimated amount for the Thousand Oaks Intersection project was approved by City Council on December 16, 2004 through Ordinance Number 100145. This project provides for the reconstruction of the intersections of Thousand Oaks and Broken Oak, Ledge View, Turkey Point, Pebble Forest and Oak Leigh between U.S. Highway 281 and Jones Maltsberger and will provide for right and left turn lanes at Broken Oak, and left turn lanes at the remaining four intersections. Construction is anticipated to begin in March 2005 and completed by October 2005.

The original estimated amount for the Tezel Road – Timber Path to Old Tezel Road project was approved by City Council on December 16, 2004 through Ordinance Number 100144. This project provides for the reconstruction of Tezel Road from Timber Path to Old Tezel Road to a 4-lane, 72-foot width roadway with turn lanes, curbs, sidewalks, necessary drainage and signal improvements, and bicycle lanes. Project construction is anticipated to begin in April 2005 and to be completed by August 2006.

Under an Advance Funding Agreement with TxDOT, and per the letters from TxDOT dated January 24, 2005, included herein as Attachment 2, TxDOT will manage the construction of these projects. As part of the implementation of Metropolitan Planning Organization (MPO) State Transportation Program projects, it is the City's responsibility to fund engineering, right of way acquisition, 20% of construction costs, and 100% of TxDOT's preliminary engineering costs.

## **POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to participate in the development and construction of City selected and approved MPO projects, which are approved annually by Council.

## **FISCAL IMPACT**

These are all one-time capital improvement expenditures and are included in the FY 05-10 Capital Improvement Program Budget. Funds in the amount of \$524,286.80 are available for transfer from the previously approved Certificates of Obligation in connection with the 36<sup>th</sup> Street - U.S. 90 to Growden Road Capital Improvement Project, which is not scheduled to begin construction until June of 2006. The Director of Finance is authorized to transfer funds from available funds as necessary to fund the 36<sup>th</sup> Street Project. Additional funds in the amount of \$12,980 are available for transfer from 2004 Issued Certificates of Obligation in connection with Thousand Oaks Intersections Project and \$101,546 are available for transfer from the 2004 Issued Certificates of Obligation in connection with the Tezel – Timber Path to Old Tezel. The available funds are authorized payable for the above-mentioned projects as follows:

\$559,384.36	payable to the Texas Department of Transportation for the City's portion of the increased construction in connection with all three projects
\$13,361.20	for Construction Contingency for the South Flores – Malone to Octavia project
\$23,490.00	payable to Drash Consulting Engineers, Inc. for environmental monitoring and oversight services for the South Flores – Malone to Octavia project
\$ 6,458.13	for Construction Contingency for the Thousand Oaks Intersection project
\$ 36,119.11	for Construction Contingency for the Tezel Road – Timber Path to Old Tezel Road project.

## **COORDINATION**


The request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department and TxDOT.

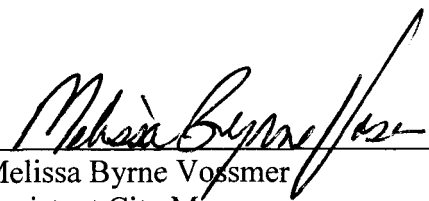
## SUPPLEMENTARY COMMENTS

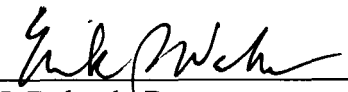
The required Discretionary Contracts Disclosure Forms are attached.

## ATTACHMENTS

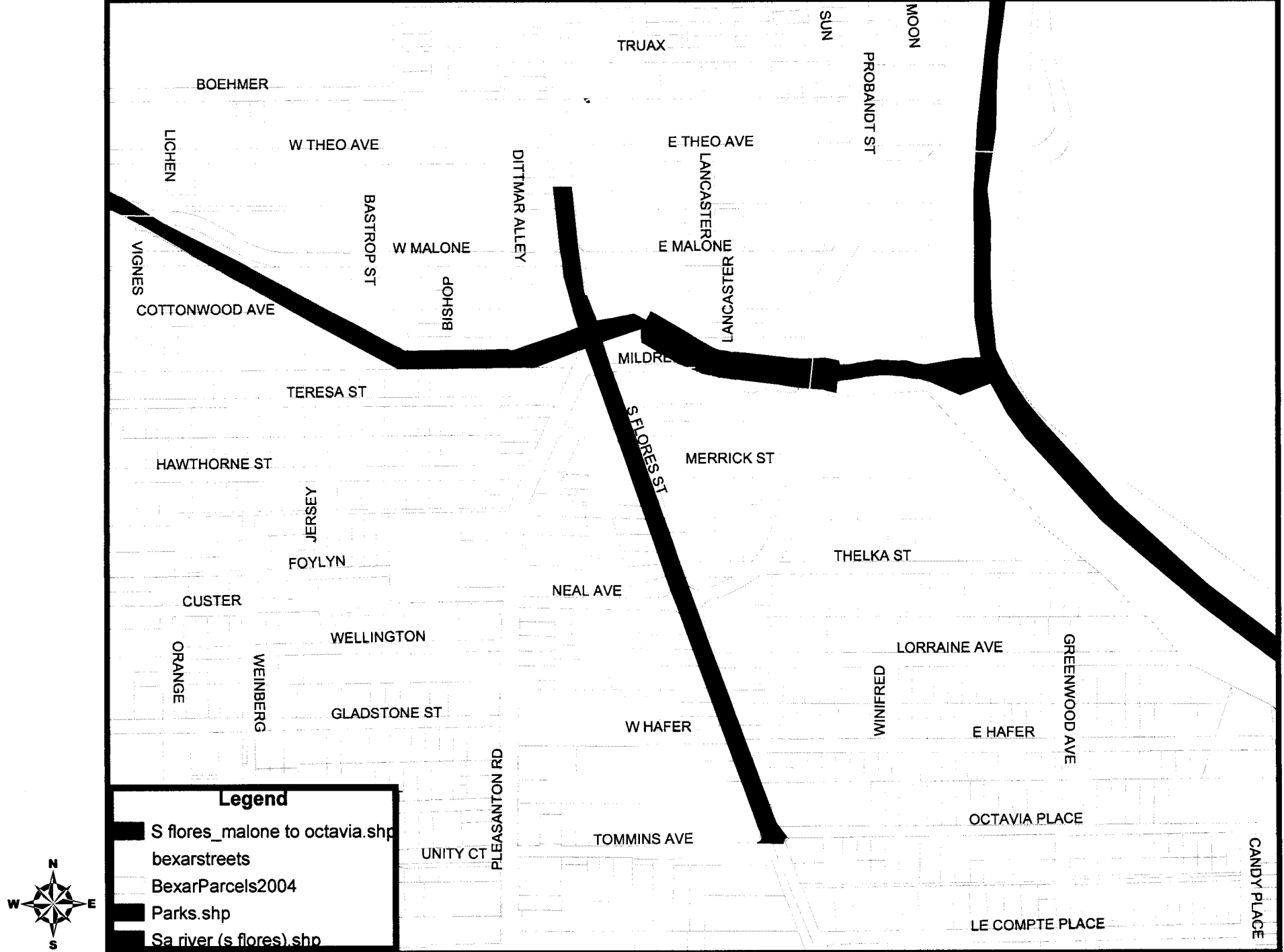
1. Project Maps
2. Letters from Texas Department of Transportation dated January 24, 2005
3. Proposal from Drash Consulting Engineers, Inc.
4. Discretionary Contracts Disclosure Form for Drash Consulting Engineers, Inc.

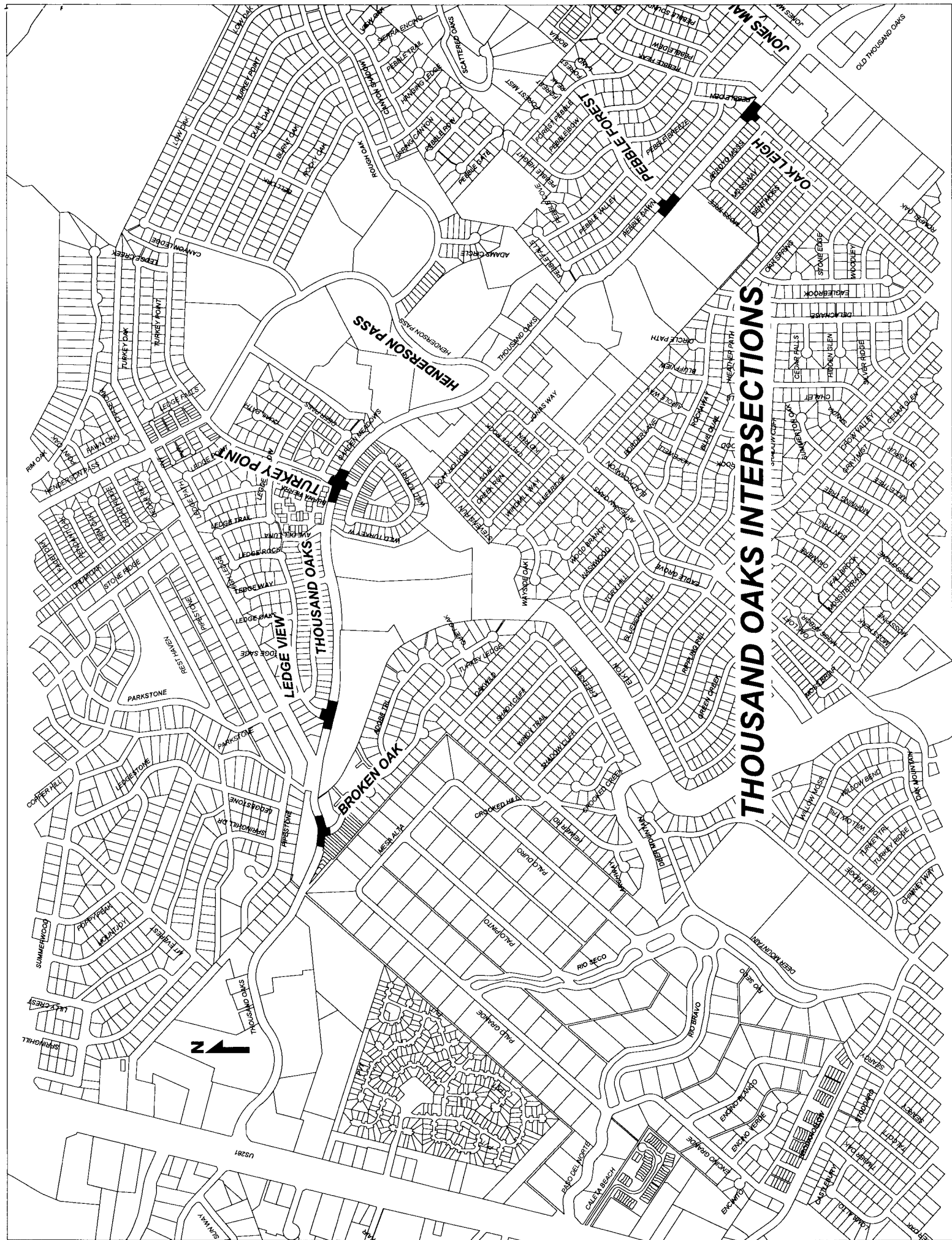
 P.E.  
\_\_\_\_\_  
Thomas G. Wendorf, P.E.  
Director of Public Works

  
\_\_\_\_\_  
Melissa Byrne Vossmer  
Assistant City Manager

✓   
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J. Rolando Bono  
Interim City Manager

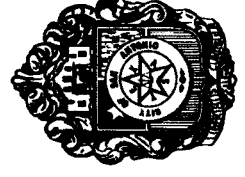
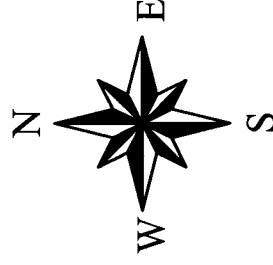
# South Flores: Malone to Octavia



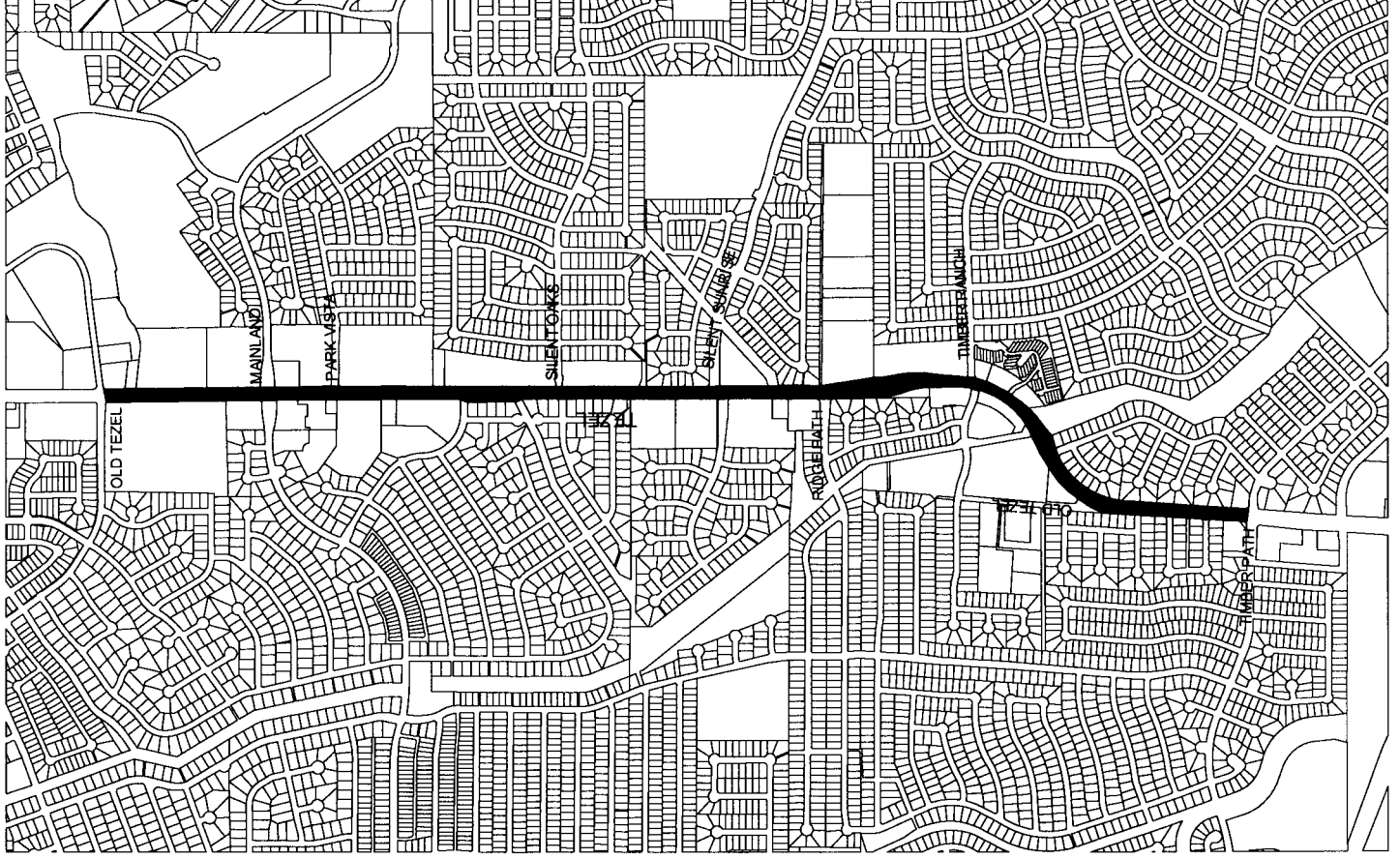


# THOUSAND OAKS INTERSECTIONS

# TEZEL - TIMBER PATH TO OLD TEZEL



CITY OF SAN ANTONIO  
Department of Public Works  
Capital Programs Division





# Texas Department of Transportation

P.O. BOX 29928 • SAN ANTONIO, TEXAS 78229-0928 • (210) 615-1110

January 24, 2005

RECEIVED

JAN 26 2005

SAN ANTONIO  
PUBLIC WORKS, CAPITAL PROGRAMS

The City of San Antonio  
Attn: Mr. William Krause  
Capital Programs Manager  
P.O. Box 839966  
San Antonio, Texas 78284-5126

Re: Control: 0915-12-327  
Highway: South Flores  
Project: STP 2000(146)MM  
County: Bexar

Dear Mr. Krause:

Bids for the referenced project were received on January 12, 2005, and E-Z Bel Construction, L.T.D. has been determined the company that submitted the lowest, acceptable bid. The funding required from the City of San Antonio (COSA) for this project, including preliminary engineering and construction engineering and contingencies (E&C), is \$788,580.89. The amount of funding previously requested in conjunction with the funding agreement, that was executed between the COSA and TxDOT, was based upon an engineer's estimated and totaled \$637,267.97. This amount was requested in writing on November 15, 2004 and remains outstanding. TxDOT will need an additional \$133,611.95 from the COSA in order to fund the actual construction of the COSA work. It is imperative that the COSA remit the total outstanding balance of \$788,580.89 as soon as possible in order for a construction contract to be awarded.

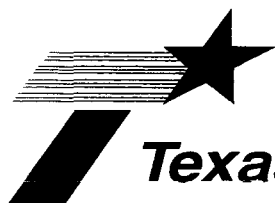
As I am sure you are aware, E-Z Bel Construction, L.T.D. will not be authorized to begin constructing any portion of this project until necessary funding for the project has been secured. Naturally, your prompt attention to this matter would be greatly appreciated by all the parties involved. If you have any questions, or require additional information, please contact Melissa Jordan at (210) 615-5817. Thank you, in advance, for your assistance.

Sincerely,

John A. Saldaña, P.E.  
for ECOMO Manager

cc: Bexar Metro Area Office





# Texas Department of Transportation

P.O. BOX 29928 • SAN ANTONIO, TEXAS 78229-0928 • (210) 615-1110

January 24, 2005

RECEIVED

JAN 28 2005

CITY OF SAN ANTONIO  
PUBLIC WORKS, CAPITAL PROGRAMS

The City of San Antonio  
Attn: Mr. William Krause  
Capital Programs Manager  
P.O. Box 839966  
San Antonio, Texas 78284-5126

Re: Control: 0915-12-275  
Highway: Thousand Oaks  
Project: STP 2005(137)MM  
County: Bexar

Dear Mr. Krause:

Bids for the referenced project were received on January 11, 2005, and E-Z Bel Construction, L.T.D. has been determined the company that submitted the lowest, acceptable bid. The funding required from the City of San Antonio (COSA) for this project, including preliminary engineering and construction engineering and contingencies (E&C), is \$377,033.03. The amount of funding previously requested in conjunction with the funding agreement, that was executed between the COSA and TxDOT, was based upon an engineer's estimated and totaled \$293,670.78. This amount was requested in writing on November 15, 2004 and remains outstanding. TxDOT will need an additional \$64,581.25 from the COSA in order to fund the actual construction of the COSA work. It is imperative that the COSA remit the total outstanding balance of \$377,033.03 as soon as possible in order for a construction contract to be awarded.

As I am sure you are aware, E-Z Bel Construction, L.T.D. will not be authorized to begin constructing any portion of this project until necessary funding for the project has been secured. Naturally, your prompt attention to this matter would be greatly appreciated by all the parties involved. If you have any questions, or require additional information, please contact Melissa Jordan at (210) 615-5817. Thank you, in advance, for your assistance.

Sincerely,

John A. Saldaña, P.E.

CCMO Manager

cc: Bexar 410 Area Office



# Texas Department of Transportation

P.O. BOX 29928 • SAN ANTONIO, TEXAS 78229-0928 • (210) 615-1110

RECEIVED

January 24, 2005

JAN 26 2005

RECEIVED  
FUNDING, CAPITAL PROGRAMS

The City of San Antonio  
Attn: Mr. William Krause  
Capital Programs Manager  
P.O. Box 839966  
San Antonio, Texas 78284-5126


Re: Control: 0915-12-299  
Highway: Tezel Road  
Project: STP 2003(419)MM  
County: Bexar

Dear Mr. Krause:

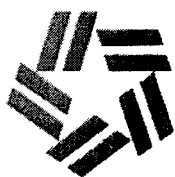
Bids for the referenced project were received on January 12, 2005, and Texas Sterling Construction, L.P. has been determined the company that submitted the lowest, acceptable bid. The funding required from the City of San Antonio (COSA) for this project, including preliminary engineering and construction engineering and contingencies (E&C), is \$2,473,611.61. The amount of funding previously requested in conjunction with the funding agreement, that was executed between the COSA and TxDOT, was based upon an engineer's estimated and totaled \$2,080,244.45. This amount was requested in writing on November 15, 2004 and remains outstanding. TxDOT will need an additional \$361,191.16 from the COSA in order to fund the actual construction of the COSA work. It is imperative that the COSA remit the total outstanding balance of \$2,473,611.61 as soon as possible in order for a construction contract to be awarded.

As I am sure you are aware, Texas Sterling Construction, L.P. will not be authorized to begin constructing any portion of this project until necessary funding for the project has been secured. Naturally, your prompt attention to this matter would be greatly appreciated by all the parties involved. If you have any questions, or require additional information, please contact Melissa Jordan at (210) 615-5817. Thank you, in advance, for your assistance.

Sincerely,

  
John A. Saldaña, P.E.  
CCMO Manager

cc: Bexar 410 Area Office



Drash  
Consulting  
Engineers, Inc.

A Terracon Company

Geotechnical • Construction Materials • Environmental  
Forensic • Electrical • Information & Distribution

January 26, 2005

Mr. John Cantu  
City of San Antonio  
Environmental Services Division  
1920 Grandstand  
San Antonio, Texas 78238

## PROPOSAL

Flores at Malone to Octavia  
Construction Site Monitoring  
San Antonio, Bexar County, Texas  
DCE Proposal N<sup>o</sup> H051026

Dear Mr. Cantu:

Drash Consulting Engineers (DCE) is pleased to submit this proposal to conduct Construction Site Monitoring for reconstruction activities along Flores at Malone to Octavia in San Antonio, Texas. The following sections present our proposed scope of work, time and cost information, and procedures for authorization to perform these services.

## PROJECT INFORMATION

We understand that the City of San Antonio is interested in environmental construction monitoring for the above-referenced planned project. According to the information provided by the City of San Antonio, excavated soils may be impacted with petroleum hydrocarbons. It is anticipated that the project will cover approximately eight weeks and a work schedule of 10 hours per day.

This proposal outlines DCE's proposal for providing environmental services involving soil removal and ambient air monitoring for volatile organic vapors that may result from excavation activities.

## SCOPE OF SERVICES

The purpose of the construction site monitoring is to oversee environmental health and safety conditions as well as handling potentially impacted soils generated during excavation activities at the site. In order to perform these tasks, DCE proposes conducting the scope of work outlined below:

San Antonio  
6911 Blanco Road • San Antonio, Texas 78216  
(210) 641-2112 • (800) 332-1728 • Fax: (210) 641-2124  
E-Mail: drash@drashdce.com  
San Antonio • Laredo • El Grande Valley

- DCE will review a contractor-provided site-specific Health & Safety Plan that should addresses potential environmental conditions that may be encountered during excavation and soil handling at the site. Prior to the start of the project and weekly throughout the duration of the project, DCE will conduct onsite Safety Meetings with the work crew that are involved with the construction project to address environmental health and safety concerns. Construction and other site health and safety issues will be addressed by the construction contractor.

A DCE representative will be present on site during the duration of the planned 8-week construction project. DCE will provide technical assistance, as required, for the proper handling of potentially impacted soils that are generated during excavation activities.

- Ambient air monitoring near excavation areas will be performed throughout each day with an Organic Vapor Meter equipped with a photo-ionization detector (PID) to check for potential volatile organic compounds that may be encountered.
- The excavated waste stream will be monitored visually by DCE for evidence of potential environmental concerns. DCE will assist in the manifesting of excavated waste materials for disposal, including the processing of waste manifests with the truck drivers and the tabulation of material quantity.
- DCE will be available to attend planning meetings with contractor and City of San Antonio representatives to discuss the project and coordinate project schedule, logistics, and responsibilities.
- A report will be prepared to summarize our findings. The report will include a background information summary, a discussion of the laboratory results, visual observations, and our conclusions.

### TIME AND COST INFORMATION

The estimated costs for completion of the environmental air monitoring are based on the costs of completing the work as indicated below:

Project Management / Meetings (12 hrs @ \$95.00/hr)	\$1,140.00
Review Contractor-Provided Site-Specific Health & Safety Plan	\$250.00
DCE Field Personnel (1 field technician, 40 days, 8 hrs/day @ \$60.00/hr)	\$19,200.00
PID Rental (8 weeks @ \$175.00/wk)	\$1,400.00
Preparation of Final Report	\$1,500.00
<b>Total</b>	<b>\$23,490.00</b>


The total estimated cost for completion is \$23,490.00 if the project goes for the full duration of four days, and will be invoiced on a time and materials basis. We will initiate our work upon your authorization to proceed.

*A distribution sheet has also been attached to expedite report distribution and project correspondence to the required project participants. Please complete this document and return it with the signed proposals.*

*This proposal is valid for a period of 90 days from the date of this proposal. After this date, our proposal may need to be revised to reflect any change in project scope and fee.*

We look forward to working with you on this project. Please contact us if you have any questions concerning these services or require adjustments to our approach or schedule.

Very truly yours,  
Drash Consulting Engineers, Inc.



Joe A. Lambert  
Project Manager  
Environmental Division

**City of San Antonio**  
**Discretionary Contracts Disclosure**  
**For use of this form, see City of San Antonio Ethics Code, Part D, Section 1 & 2**

*Attach additional sheets if space provided is not sufficient.*  
*State Not Applicable for questions that do not apply.*

\*This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

**Disclosure of Parties, Owners, and Closely Related Persons**

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract.

- (1) The identity of any individual who would be a party to the discretionary contract;

Chester J. Drash, Jr., P.E.

- (2) The identity of any business entity that would be a party to the discretionary contract

and the name of:

- (A) Any individual or business entity that would be a subcontractor on the discretionary contract;

NA

- (B) Any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary business* entity, of any individual or business entity who would be a party to the discretionary contract;

NA

- (3) The identity of any lobbyist or public relations firm employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

NA

**Political Contributions**

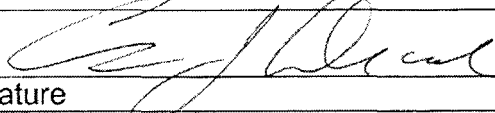
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or

business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
Bonnie Carter	\$70.00	July 2002
Carroll Schubert	\$70.00	July 2002
Bobby Perez	\$70.00	August 2002
Louis Rowe	\$250.00	January 2003
Carroll Schubert	\$250.00	April 2003
Carroll Schubert	\$500.00	April 2003
Toni Moorhouse	\$250.00	April 2003
Enrique Barrera	\$250.00	April 2003
Carroll Schubert	\$1,000.00	July 2004
Richard Perez	\$500.00	August 2004

#### Disclosures in Responses

Any individual or business entity seeking a discretionary contract with the city shall disclose any know facts which, reasonably understood, raise a question<sup>1</sup> as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

		January 27, 2005
Signature		Date

<sup>1</sup>For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.