

**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:** Eagleland/River Walk Link Project

**DATE:** March 24, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance amends a professional service contract in the amount of \$61,918.75 funded by 1999 General Obligation Flood Control with Park Improvement Bonds funds, payable to Civil Engineering Consultants, Inc., a non-MBE firm, for engineering service and authorizes \$6,192.00 for engineering contingency for a total amount of \$68,110.75 in connection with the San Antonio River Walk Link from Alamo to Eagleland, an authorized 1999-2004 General Obligation Flood Control with Park Improvement Bonds and Metropolitan Planning Organization (MPO) project located in City Council District 5.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

This ordinance provides for compensation to Civil Engineering Consultants, Inc. in the amount of \$61,918.75 for additional fees associated with project development in connection with the San Antonio River Walk Link from Alamo to Eagleland project. These services included design changes associated with the alignment on a permanent easement, coordination and facilitation of related meetings with adjacent land owner, City Public Service, and TxDOT, exhibit preparation for these meetings, environmental coordination and other related services that were beyond the original scope specified in the professional services agreement for this project. This ordinance also authorizes \$6,192.00 for engineering contingency.

This project provides for the design of a 4,000 feet hike and bike path and pedestrian walkway across, along, and in some cases within the San Antonio River Flood Control Channel. This facility extends from Eagleland Drive to the southern terminus of the San Antonio River Walk, just upstream from the Guenther Street Bridge. Construction on this project is scheduled to begin in December 2006 and is anticipated to be completed by December 2007.

The original scope of the 1999 Bond Proposition 3: Flood Control with Park Improvements for the San Antonio River Improvement Project is from Brackenridge Park to Mission Espada. The Eagleland segment is within this reach.

A previously executed Professional Services Agreement for professional engineering services with Civil Engineering Consultants, Inc. was approved by City Council on December 9, 1999, through Ordinance No. 90973, and initially authorized \$110,000.00 for preliminary design services related to this project and did not include final design. Subsequent City Council actions have authorized additional funds in the amount of \$349,926.07. This Council action will increase the total contract amount to \$521,844.82.

### **POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1999-2004 General Obligation Flood Control with Park Improvement Bond funded, Metropolitan Planning Organization Capital Improvement Projects.

### **FISCAL IMPACT**

This is a one-time capital improvement expenditure within budget and included in the FY05-10 Capital Improvement Program Budget. Funds in the amount of \$68,110.75 are available from the 1999-2004 General Obligation Flood Control with Park Improvement Bond funds and authorized payable as follows:

\$ 61,918.75	payable to Civil Engineering Consultants, Inc. for engineering service
\$ 6,192.00	payable for engineering contingency

### **COORDINATION**

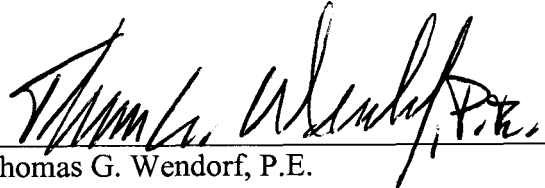
This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department, the Parks and Recreation Department and TxDOT.


### **SUPPLEMENTARY COMMENTS**

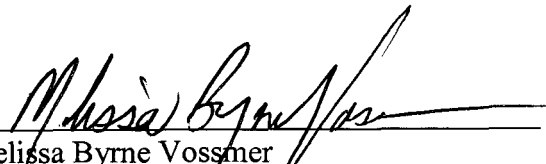
The Consultant's Proposal and the Discretionary Contracts Disclosure Form required by the Ethics Ordinance are attached.

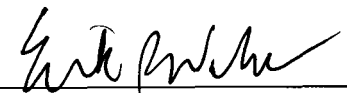
**ATTACHMENTS**

1. Project Map
2. Proposal
3. Discretionary Contracts Disclosure Form

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

  
Malcolm Matthews  
Director of Parks and Recreation

  
Melissa Byrne Vossmer  
Assistant City Manager

  
J. Rolando Bono  
Interim City Manager



Scale: Nine  
04/21/04  
DEH

# Eagleland / Riverwalk Link

CITY OF SAN ANTONIO  
Department of Public Works  
Capital Programs Division





CIVIL ENGINEERING CONSULTANTS  
DON DURDEN, INC.

MUNICIPAL • DEVELOPMENT  
SURVEYING • TRANSPORTATION

RECEIVED

NOV 29 2004

CITY OF SAN ANTONIO  
PUBLIC WORKS. CAPITAL PROGRAMS

File

November 23, 2004

City of San Antonio  
ATTN: Dean Bayer, P.E.  
P.O. Box 839966  
San Antonio, Texas 78283-3966

**RE: E0154514 - Eagleland / River Walk Link**

Dear Dean:

On November 12<sup>th</sup> and 22<sup>nd</sup>, I met with you and Mike Guerra regarding the status of the Eagleland project. Jim Boenig was present for the meeting on the 22<sup>nd</sup>. During these meetings, we discussed the status of plans, budget, easement negotiations, environmental studies, and design schedule. Our main discussion focused on letters I had written several months ago requesting additional compensation for various tasks associated with the project development that have been beyond the original scope. A significant amount of effort has been spent coordinating with the COSA regarding environmental, ROW, utilities, illumination, and landscape issues. The summary of this effort is as follows:

I am requesting additional compensation in the amounts shown and for the following reasons:

1. \$23,168.75- Coordination and meetings beyond the original scope and fee during the period between December 2002 (completion of the schematic) and August 2003 (beginning construction plans) for:
  - a. Providing information to the adjacent landowner and his agents for easement consideration. The adjacent landowner has had preliminary development plans for some time. Apparently, final design plans are still being prepared, depending on the desires of the owner. Multiple electronic files have been provided after meeting with his planners on several occasions.
  - b. Environmental coordination with COSA, providing exhibits, attending meetings, and preparing correspondence to city staff.
2. \$20,250- Coordination and meetings related to easement coordination, illumination issues, preparation of exhibits, and design efforts that have been stopped and started waiting for answers to these questions. This effort was expended from October 2003 through August 2004. During this same time, we completed plans through the 30% stage. The additional coordination effort was beyond the original scope identified to prepare plans within the SARA ROW. Since the project scope changed to provide for an

alignment on a permanent easement, there have been more required meetings, correspondence, exhibit preparation and coordination necessary for use in ROW negotiations.

\$18,500  
DB

3. ~~\$20,000~~ To be set up as a "Fee Not to Exceed" the amount shown. This is to provide a means to compensate our design team for preparation of plan layouts related to improvements within the proposed easement for review and comment by the owner and COSA. It is understood that more than one layout may need to be prepared depending on the desires of the owner in coordination with the COSA.

for pre-authorized additional services.  
DB

I would like to note that we have instructed our landscape architect to prepare a landscape plan for the area from the Eagleland Bridge to Alamo Street. Since illumination design criteria has now been clarified, we have also initiated that design as well.

I hope this explains our request for a better understanding on your part. I look forward to moving forward with this project. Please let me know if you will need any additional information.

Sincerely,

CIVIL ENGINEERING CONSULTANTS

Garland C. Galm, P.E.

Garland C. Galm, P.E.  
Transportation Division Manager

## City of San Antonio Discretionary Contracts Disclosure\*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 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:

Don Durden, P.E., R.P.L.S., 83.604% Ownership, President  
Ken Thomas, P.E., R.P.L.S., 4.5% Ownership, Principal – Public Works Division Manager  
Chester Varner, R.P.L.S., 2.75% Ownership, Principal – Senior Project Surveyor  
Alan Lindskog, P.E., R.P.L.S., 2.50% Ownership, Principal- Senior Project Manager  
Ken Koch, P.E., 2.15% Ownership, Principal-V.P./Director of Business Development  
Joe Nix, P.E., R.P.L.S., P.T.O.E., 1.25% Ownership, Principal – Senior Project Engineer  
Garland Galm, P.E., 1.22% Ownership, Principal-Transportation Division Manager  
Mike Haberer, R.P.L.S., 0.78% Ownership, Principal-Survey Division Manager  
Matt Van Wicklen, P.E., 0.25% Ownership, Principal – Vice President Employee Benefits

(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;

N/A

(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;

N/A

(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.

N/A

### 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 member of City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be by an disclosed under (1), (2) or (3) above. Indirect contributions entity include, but are not limited to, contributions made through the officers, owners, or registered lobbyists of the entity.

Whom Made To:	Amount:	Date of Contribution:
Carroll Schubert	\$150	5/1/03
Julian Castro	\$100	5/1/03
Enrique Barrera	\$150	5/1/03
Toni Moorhouse	\$150	5/1/03
John Clamp	\$150	5/1/03


# City of San Antonio Discretionary Contracts Disclosure

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

Whom Made To:	Amount:	Date of Contribution:
Ed Garza	\$150	5/1/03
Roger Flores	\$150	5/21/03
Joel Williams	\$150	5/21/03
Richard Perez	\$150	5/21/03
Patty Radle	\$150	5/21/03
Art Hall	\$150	5/21/03
Chip Haas	\$150	5/21/03
Richard Perez	\$150	9/26/03
Carroll Schubert	\$1,000	2/19/04
Ron Segovia	\$200	7/22/04
Joel Williams	\$150	7/22/04
Friends of Chip Haas	\$150	8/27/04
Friends of Richard Perez	\$150	8/27/04
Roger Flores	\$150	10/14/04
Art Hall	\$250	12/01/04
Kevin Wolff	\$150	12/01/04
Patty Radle	\$150	12/22/04

## Disclosures in Proposals

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

<b>Signature:</b> 	<b>Title:</b> Principal <b>Company:</b> Civil Engineering Consultants	<b>Date:</b> 1/18/05

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