

AN ORDINANCE

98172

APPROVING AND ACCEPTING COMPENSATION OF \$196,406.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR ACCESS RIGHTS FOR WATSON ROAD ADJACENT TO MEDINA RIVER PARK IN CITY COUNCIL DISTRICT 4; AMENDING THE MEDINA RIVER PARK IMPROVEMENTS PROJECT BUDGET TO APPROPRIATE THESE FUNDS; ACCEPTING THE LOW BID WITH BID ALTERNATES 1 THROUGH 5 BY VW BROOKS INCORPORATED TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE MEDINA RIVER PARK IMPROVEMENTS PROJECT, FOR A TOTAL CONTRACT COST OF \$749,000.00; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT, ALLOCATING \$46,556.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$37,200.00 FOR ARCHITECT/ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$25,000.00 FOR BUILDING RELOCATION EXPENSES; AUTHORIZING \$9,000.00 FOR PARK MATERIALS, FOR AN OVERALL TOTAL AMOUNT OF \$866,756.00; AND PROVIDING FOR PAYMENT.

\* \* \* \* \*

**WHEREAS**, through Ordinance 94320, passed and approved on August 9, 2001, City Council approved donations of properties from the San Antonio Water System (SAWS) and the San Antonio Parks Foundation (SAPF) to establish the Medina River Park along the Medina River, located at 15890 State Highway 16 South in City Council District 4; and

**WHEREAS**, at the same time, City Council approved acceptance of a grant from the Texas Parks and Wildlife Department (TPWD) for a Region Park Grant of \$750,000 and a donation of \$151,350.00 from SAPF for the development of the park; and

**WHEREAS**, one of the roads adjacent to Medina River Park is Watson Road (State Spur 66), and the Texas Department of Transportation has requested to acquire Right of Way along this road from the City as part of its redesigning and construction of the road, and as compensation, TXDOT has offered to pay the appraised value of \$196,406.00 for the ROW property; and

**WHEREAS**, the professional engineering firm of Carter-Burgess Inc. has previously been selected to design an overall Master Plan for Medina River Park development, then prepare construction plans and bid documents for the first phase of improvements; and

**WHEREAS**, the current base construction project will include park entry roads and signage, parking facilities, hiking trails of various levels of accessibility, a large pavilion, restroom buildings (north and south of the river), picnic units, fencing, a group camping area, way-finding signage and interpretive signage, and bid alternates that will also be constructed include cedar screen fencing, stone masonry enhancements, clearing of two trails and trail limestone stabilization, and seven firms bid on the project; and

**WHEREAS**, VW Brooks Incorporated had the lowest base bid of \$691,000.00 and the overall lowest bid with bid alternates 1, 2, 3, 4 and 5 of \$749,000.00; and

**WHEREAS**, said Medina River Park project will encompass the 362 acres of land along the Medina River and the development of hike and bike trails, pavilions, picnic facilities, group camping accommodations, park toilets, roads, parking and pedestrian bridges; and

**WHEREAS**, it is now necessary to approve the offer from Texas Department of Transportation for purchase of access along Watson Road, accept the low bid of VW Brooks Inc. for construction work; appropriate TXDOT ROW payment into the project's budget; authorize a standard public works construction contract for said project; allocate funds into the project budget and to provide for payment; **NOW THEREFORE:**

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

**Section 1.** The City of San Antonio hereby approves the acquisition by the Texas Department of Transportation of the City's right of access to Watson Road (State Spur 66) adjacent to Medina River Park and accepts TXDOT's offer of payment of appraised value of \$196,406.00 as compensation for this right. The City Manager, or her designee, is hereby authorized to take the necessary actions to complete this transaction. Any documents necessary to complete this transaction shall be reviewed and approved by the City Attorney prior to execution.

**Section 2.** Fund 26-052038, Medina River Park Project, has previously been designated to account for project activities.

**Section 3.** The total amount of \$196,406.00 is hereby encumbered for the Medina River Park Project and City staff is authorized to adjust line items within the budget of Fund 26-052038 through the normal budget process.

**Section 4.** The low qualified base bid of \$749,000.00 from VW Brooks Incorporated for capital improvements to the City's Medina River Park Improvements Project is hereby accepted. The City Manager, or her designee, is hereby authorized to execute a standard form public works construction contract for the job. A copy of the contractor's bid is affixed hereto and incorporated herein for all purposes as Attachment II. All other bids will be deemed rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of sixty (60) days from the effective date of this ordinance accepting the low bid, whichever event occurs first.

**Section 5.** The total amount of \$37,200.00 is appropriated in Fund 26-052038 in Index Code 299321, entitled Architectural/Engineering Contingency and is authorized to be made payable for architectural and engineering contingency costs.

**Section 6.** The amount of \$78,650.00 is appropriated in Fund 26-052038 in Index Code 299339, entitled Construction and is authorized to be made payable to VW Brooks Incorporated for construction contract expenses.

**Section 7.** The amount of \$46,556.00 is appropriated in Fund 26-052038 in Index Code 299347, entitled Construction Contingency and is authorized to be made payable for project construction contingency expenses and to include code requirements, unknown hidden existing conditions and project betterment.

**Section 8.** The amount of \$25,000.00 is appropriated in Fund 26-052038 in Index Code 299461, entitled Building Relocation Expenses and is authorized to be made payable for building relocation expenses.

**Section 9.** The amount of \$9,000.00 is appropriated in Fund 26-052038 in Index Code 299479, entitled Park Materials and is authorized to be made payable for park materials, including building renovation or landscaping materials or park benches.

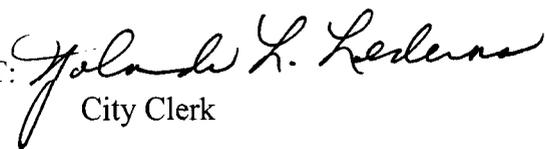
**Section 10.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

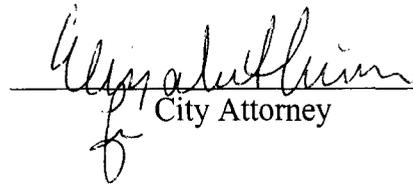
**Section 11.** The City staff is hereby authorized to establish expenditure index codes as needed within the project budgets, to transfer funds between expenditure index codes and appropriations within the project in order to facilitate the proper accounting of project expenses.

**Section 12.** Eligible expenses that may be incurred from the City's General Fund will be reimbursed from the project budgets in accordance with established financial procedures.

**Section 13.** This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 18<sup>th</sup> day of September 2003.

ATTEST:    
City Clerk M A Y O R  
EDWARD D. GARZA

APPROVED AS TO FORM:   
City Attorney