

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

APPROVING TWO CONTRACT AMENDMENTS FOR TWO PROJECTS LOCATED IN COUNCIL DISTRICT 4 HERITAGE NEIGHBORHOOD PARK: (A) EXECUTION OF A CONTRACT AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$78,100.00 FOR A TOTAL PROFESSIONAL DESIGN SERVICES AGREEMENT AMOUNT OF \$869,240.00 WITH ROBEY ARCHITECTURE, INC. TO EXTEND CONSTRUCTION ADMINISTRATION SERVICES THROUGH THE COMPLETION OF DISTRICT 4 HERITAGE COMMUNITY CENTER PROJECT, A 2017 BOND PROGRAM, GENERAL FUND AND CERTIFICATES OF OBLIGATION FUNDED PROJECT; AND, (B) EXECUTION OF A CONTRACT AMENDMENT IN THE INCREASED AMOUNT OF \$481,162.00 FOR A TOTAL CONSTRUCTION CONTRACT OF \$9,091,862.96 WITH FA NUNNELLY (DBA "NUNNELLY GENERAL CONTRACTOR") FOR ADDITIONAL CONSTRUCTION SERVICES RELATED TO THE HERITAGE NEIGHBORHOOD PARK PROJECT, A 2022 BOND PROGRAM AND TREE PRESERVATION FUNDED PROJECT. FUNDING FOR BOTH PROJECTS IS AVAILABLE FROM PREVIOUSLY AUTHORIZED 2017 AND 2022 GENERAL OBLIGATION BOND, GENERAL FUND, CERTIFICATES OF OBLIGATION AND TREE PRESERVATION FUNDS INCLUDED IN THE FY 2024 - FY 2029 CAPITAL IMPROVEMENT PROGRAM

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program, which authorized \$8,500,000 for the District 4 Heritage Community Center, located at 1423 S. Ellison Drive, adjacent to the Heritage Neighborhood Pool, consisting of a gymnasium, classrooms, dining room, warming kitchen, exercise and game/lounge areas, staff offices, and covered outdoor seating, and additional funds were approved in the FY 2021 Adopted Budget to provide storm drainage improvements directly adjacent to the site; and

WHEREAS, the community center is envisioned to provide senior services and youth programs lacking in this area of the City, and will be operated jointly by the Department of Human Services and the Parks and Recreation Department ; and

WHEREAS, site improvements will include parking for approximately 150 vehicles, sidewalks, vehicular drop-off areas, drainage improvements, landscaping and outdoor activity spaces; and

WHEREAS, the original contractor was unable to complete construction of this project resulting in the execution of a mutual Termination for Convenience Agreement to release the original contractor from the construction contract with the City; and

WHEREAS, a new construction contract was approved on June 22, 2023, by City Council through Ordinance 2023-06-22-0464 authorizing the execution of a construction contract with FA Nunnelly (dba “Nunnelly General Contractor”) to complete the construction of the District 4 Heritage Community Center project; and

WHEREAS, construction of this project has since resumed and is estimated to be completed in Fall 2024; and

WHEREAS, since construction was restarted an amendment is necessary to extend services through the remaining duration of construction; and

WHEREAS, on October 5, 2017, City Council approved a Professional Design Services Contract in an amount not to exceed \$557,290.00 with Robey Architecture, Inc., for design and construction administration services for the District 4 Heritage Community Center project, through Ordinance 2017-10-05-0742, and contract amendments to modify and enhance the project have increased this contract by \$233,850.00; and

WHEREAS, this proposed amendment, which will compensate Robey Architecture, Inc. to extend construction administration services necessary for the duration of construction for the District 4 Heritage Community Center project, will increase the contract capacity by \$78,100.00 to a revised contract amount of \$869,240.0, as illustrated by the following table:

Item	Amount
Original Contract Value	\$557,290.00
Previous Amendments	\$233,850.00
Proposed Amendment	\$ 78,100.00
Revised Contract Value	\$869,240.00

WHEREAS, on May 7, 2022, voters approved the 2022 Bond Program, which authorized \$800,000 for the Heritage Neighborhood Park, located at 1423 S. Ellison Drive, adjacent to the Heritage Neighborhood Pool and on the same site as the District 4 Heritage Community Center that is currently under construction, for construction of general park improvements, including construction of three pickleball courts with associated lighting, a picnic node, water fountain, seating, trees, walking trail improvements, and access to the restroom facilities in the Heritage Pool building; and

WHEREAS, on June 22, 2023, City Council approved a Construction Contract in an amount not to exceed \$8,443,747.00 with FA Nunnelly Company (dba “Nunnelly General Contractor”) for construction of the District 4 Heritage Community Center project, through Ordinance 2023-06-22-0464, and contract amendments to modify and enhance the project have increased this contract by \$166,953.96; and

WHEREAS, this proposed amendment, which will compensate Nunnelly General Contractor for the work and costs associated with construction of the Heritage Neighborhood Park project improvements, will increase the contract capacity by \$481,162.00 to a revised contract amount of \$9,091,862.96, as illustrated by the table below:

Item	Amount
Original Contract Value	\$8,443,747.00
Previous Amendments	\$ 166,953.96
Proposed Amendment	\$ 481,162.00
Revised Contract Value	\$9,091,862.96

WHEREAS, this ordinance approves two contract amendments for two projects located in Council District 4 Heritage Neighborhood Park: (a) execution of a contract amendment in the increased amount not to exceed \$78,100.00 for a total professional design services agreement amount of \$869,240.00 with Robey Architecture, Inc. to extend construction administration services through the completion of District 4 Heritage Community Center project, a 2017 Bond Program, General Fund and Certificates of Obligation funded project; and, (b) execution of a contract amendment in the increased amount of \$481,162.00 for a total construction contract of \$9,091,862.96 with FA Nunnelly (dba “Nunnelly General Contractor”) for additional construction services related to the Heritage Neighborhood Park project, a 2022 Bond Program and Tree Preservation funded project; and

WHEREAS, the proposed contract amendment will compensate Robey Architecture, Inc. to extend construction administration services necessary for the duration of construction of the District 4 Heritage Community Center project and

WHEREAS, the proposed contract amendment will compensate Nunnelly General Contractor for the work and costs associated with construction of the Heritage Neighborhood Park project improvements along with the construction of District 4 Heritage Community Center project;
NOW THEREFORE:

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

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute contract amendment in the increased amount not to exceed \$78,100.00 for a total professional design services agreement amount of \$869,240.00 with Robey Architecture, Inc. to extend construction administration services through the completion of District 4 Heritage Community Center project, a 2017 Bond Program, General Fund and Certificates of Obligation funded project.

SECTION 2. Funds for this contract amendment in the amount of \$78,1000.00 is available in Fund 45099000, Project 23-01655, WBS Element 23-01655-01-02-01 and GL Account 5201170. Funding is provided by the General Fund, Certificates of Obligation and General Obligation bond funds and is in the FY 2024 - FY 2029 CIP Budget.

SECTION 3. Additional payment from this contract amendment not to exceed \$78,100.00 is authorized to be encumbered with a purchase order and made payable to Robey Architecture, Inc. to extend construction administration services.

SECTION 4. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute contract amendment in the increased amount of \$481,162.00 for a total construction contract of \$9,091,862.96 with FA Nunnelly (dba “Nunnelly General Contractor”) for additional construction services related to the Heritage Neighborhood Park project, a 2022 Bond Program and Tree Preservation funded project.

SECTION 5. Funds for this contract amendment in the amount of \$481,162.00 is available in Fund 45099000, Project 23-03988, WBS Elements 23-03988-05-02-01, 23-03988-05-02-02 and GL Account 5201170. Funding is provided by General Obligation bond funds and the Tree Canopy Fund and is in the FY 2024 - FY 2029 CIP Budget.

SECTION 6. Additional payment from this contract amendment not to exceed \$481,162.00 is authorized to be encumbered with a purchase order and made payable to FA Nunnelly (dba “Nunnelly General Contractor”). for additional construction services.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 8. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 16th day of May, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney