

**ORDINANCE      2023-02-09-0079**

**APPROVING AN AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$1,500,556.00 TO THE \$36,628,793.61 CONSTRUCTION SERVICES AGREEMENT WITH SUNDT CONSTRUCTION, INC., OF WHICH \$1,500,556.00 WILL BE REIMBURSED BY AT&T FOR THE CONSTRUCTION SERVICES FOR UTILITY WORK ASSOCIATED WITH THE SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR E. CHAVEZ BOULEVARD) PROJECT, A 2017 GENERAL OBLIGATION BOND AND HEMISFAIR TAX INCREMENT REINVESTMENT ZONE FUNDED PROJECT; AND AUTHORIZING THE APPROPRIATION AND AMENDING THE FY 2023 - FY 2028 CAPITAL IMPROVEMENT PROGRAM WITH FUNDS IN THE AMOUNT OF \$1,500,556.00 FROM AT&T TO THE SOUTH ALAMO STREET (MARKET STREET TO EAST CESAR E. CHAVEZ BOULEVARD) PROJECT.**

\*      \*      \*      \*      \*

**WHEREAS**, On May 6, 2017, voters approved the 2017 Bond Program, which authorized \$9,000,000.00 for the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) project in Council District 1. The project, located in downtown San Antonio, between Market Street and Cesar E. Chavez Boulevard, includes roadway reconstruction, drainage, traffic signals, pedestrian lighting, and landscaping, as well as utility upgrades to SAWS water, sewer, and chilled water mains; CPS gas and roadway lighting; and main extensions and services for adjacent Public-Private Partnership at Hemisfair project; and

**WHEREAS**, on November 3, 2022, through Ordinance 2022-11-03-0839 City Council approved a construction contract with Sundt Construction, Inc. in the amount of \$36,628,793.61, of which \$14,795,445.61 was funded from previously authorized 2017 General Obligation Bond funds, \$750,000.00 from the Tree Mitigation Fund, \$14,369,555.00 reimbursed by San Antonio Water System, \$1,488,793.00 reimbursed by CPS Energy, and \$5,225,000.00 from the Hemisfair Tax Increment Reinvestment Zone (TIRZ); and

**WHEREAS**, this proposed amendment will increase the contract capacity by \$1,500,566.00 to a revised contract value of \$38,129,349.61.

**WHEREAS**, this contract amendment will add construction services and corresponding compensation for installing a conduit duct bank and manhole structures on South Alamo Street, from Market Street to E. Cesar Chavez Boulevard. Construction began in December 2022 and is estimated to be completed in February 2025; and

**WHEREAS**, utility companies with facilities in the City's right of way have a legal obligation to move their equipment, infrastructure, and transmission lines at their own expense to accommodate public works projects; and

**WHEREAS**, this contract amendment is made pursuant to a Memorandum of Understanding with AT&T, that allows the City to facilitate the relocation of buried utility facilities located in public works construction zones by incorporating construction of necessary infrastructure for AT&T equipment, including conduit duct bank and manhole structures, into the South Alamo Street construction project; and

**WHEREAS**, AT&T will reimburse the City's costs for construction of the AT&T infrastructure. In exchange for the City's commitment to undertake construction of AT&T's infrastructure, AT&T and the City will execute a future agreement creating a firm schedule and deadlines for AT&T to relocate its equipment and transmission lines into the new conduit duct bank constructed by the City within sixty (60) days of the City's notice to proceed. This scheduling agreement is intended to prevent any delays in the South Alamo Street Project schedule; and

**WHEREAS**, because the additional contract funds will be reimbursed by AT&T, this ordinance also approves the appropriation and amending of the FY 2023 - FY 2028 Capital Improvement Program with funds in the amount of \$1,500,556.00 from AT&T to the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) 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 an amendment in the increased total amount not to exceed \$1,500,556.00 to the \$36,628,793.61 Construction Services Agreement with Sundt Construction, Inc., of which \$1,500,556.00 will be reimbursed by AT&T for the construction services for AT&T utility work associated with the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) Project, a 2017 General Obligation Bond and Hemisfair Tax Increment Reinvestment Zone (TIRZ) funded project.

**SECTION 2.** Payment is authorized to be encumbered and made payable Sundt Construction, Inc., in an amount not to exceed \$1,500,556.00. Payment is in support of the South Alamo Market – E Cesar Chavez Blvd Project using Fund 45099000 with WBS 23-01609-05-02-10 and GL account 5201245. Funding for this project is provided by GO Bonds, Tree Preservation Fund, and TIRZ and is in the FY2023-FY2028 CIP Budget. Reimbursement of \$1,500,556.00 will be received from AT&T.

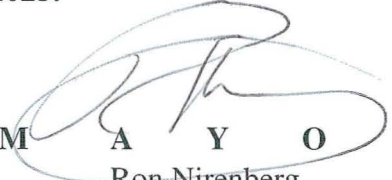
Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

**SECTION 3.** 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 4.** This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.


**PASSED AND APPROVED this 9th day of February, 2023.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney



## City of San Antonio

### City Council Meeting February 9, 2023

7.

**2023-02-09-0079**

Ordinance approving an increased amount not to exceed \$1,500,556 to the \$36,628,793.61 Construction Services Agreement with Sundt Construction, Inc., of which \$1,500,556 will be reimbursed by AT&T for utility work associated with the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) Project, a 2017 General Obligation Bond and Hemisfair Tax Increment Reinvestment Zone funded project; and authorizing the appropriation and amending the FY 2023 - FY 2028 Capital Improvement Program with funds in the amount of \$1,500,556 from AT&T to the South Alamo Street (Market Street to East Cesar E. Chavez Boulevard) Project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion. The motion carried by the following vote:

**Aye:** Nirenberg, Bravo, McKee-Rodriguez, Castillo, Cabello Havrda, Courage, Perry  
**Absent:** Viagran, Rocha Garcia, Pelaez