

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

ORDINANCE

APPROVING A CONSTRUCTION CONTRACT WITH TCL CONSTRUCTION ENTERPRISES, LLC IN THE AMOUNT OF \$1,775,000.00 FOR SALADO CREEK GREENWAY TRAIL PROJECT (SE MILITARY TO MONTE VIEJO), LOCATED IN COUNCIL DISTRICT 3 WITH FUNDING IN THE AMOUNT OF \$1,475,000.00 AVAILABLE FROM THE VOTER APPROVED SALES TAX VENUE FUNDS AND IS PART OF THE ADOPTED FY 2022 - FY 2027 CAPITAL IMPROVEMENT PROGRAM; APPROPRIATES \$300,00.00 FROM THE FY 2022 TREE CANOPY PRESERVATION AND MITIGATION FUND WHICH WILL BE USED FOR TREE PLANTINGS AND SUPPORTING IRRIGATION AT THE TRAILHEAD; AND APPROVING A MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO ALLOW FOR THE CONSTRUCTION AND MAINTENANCE OF GREENWAY TRAIL IMPROVEMENTS WITHIN THEIR RIGHT-OF-WAY. THERE IS NO FISCAL IMPACT ASSOCIATED WITH THE MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

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WHEREAS, the Salado Creek Greenway Trail Project which will construct a 0.6-mile trail 10 feet wide made of concrete from SE Military to the adjacent Monte Viejo residential neighborhood located in Council District 3; and

WHEREAS, the proposed project is part of a growing network of interconnected hike and bike trails known as the Howard W. Peak Greenway Trails System through the acquisition and preservation of open space along San Antonio creekways, including the development of multi-use hike and bike trails, trailheads, signage and associated amenities; and

WHEREAS, the project will provide a trail and park access for adjacent residents and includes 17 Low Impact Development (LID) parking spaces with 2 accessible parking stalls, tree plantings, irrigation, signage, a shade structure, and other trail amenities; and

WHEREAS, this project was advertised on February 16, 2022 and six (6) bids were received and opened on March 15, 2022 with TCL Construction Enterprises, LLC submitting the lowest responsive bid; and

WHEREAS, this contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program and TCL Construction Enterprises, LLC has committed to satisfying the 26% Minority and/ or Women-Owned Business Enterprise (M/WBE)

subcontracting goal and the 5% African American Business Enterprise (AABE) subcontracting goal; and

WHEREAS, construction is anticipated to begin in Summer 2022 and is estimated to be completed in Summer 2023; and

WHEREAS, upon project completion, funding for associated operating expenses will be addressed through the City's annual budget process; and

WHEREAS, funding in the amount of \$1,475,000.00 is available from the voter approved Sales Tax Venue funds and is part of the adopted FY 2022 - FY 2027 Capital Improvement Program; and

WHEREAS, this ordinance also appropriates \$300,00.00 from the FY 2022 Tree Canopy Preservation and Mitigation Fund which will be used for tree plantings and supporting irrigation at the trailhead; and

WHEREAS, this ordinance also authorizes the execution of a Multiple Use Agreement (MUA) with the Texas Department of Transportation (TxDOT) to allow for the construction and maintenance of greenway trail improvements within TxDOT right-of-way; and

WHEREAS, this ordinance accepts the lowest responsive bid and awards a construction contract to TCL Construction Enterprises, LLC in an amount of \$1,775,000.00 for the Salado Creek Greenway Trail Project (SE Military to Monte Viejo), located in Council District 3, appropriates \$300,00.00 from the FY 2022 Tree Canopy Preservation and Mitigation Fund which will be used for tree plantings and supporting irrigation at the trailhead, and authorizes the execution of a Multiple Use Agreement (MUA) with the Texas Department of Transportation (TxDOT) to allow for the construction and maintenance of trail improvements within TxDOT right-of-way, located in Council District 3; **NOW THEREFORE:**

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

SECTION 1. The lowest responsive bid in the amount of in an amount not to exceed \$1,775,000.00 from TCL Construction Enterprises, LLC for the Salado Creek Greenway Trail Project (SE Military to Monte Viejo) in Council District 3. Funding in the amount of \$1,475,000.00 is available from the voter approved Sales Tax Venue funds and is part of the adopted FY 2022 - FY 2027 Capital Improvement Program. All other bids will be considered 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 ninety (90) days from the effective date hereof, whichever occurs first.

SECTION 2. The City Manager or his designee is hereby authorized to appropriate \$300,00.00 and authorize the execution of a Multiple Use Agreement (MUA) with the Texas Department of Transportation (TxDOT) to allow for the construction and maintenance of greenway trail improvements within TxDOT right-of-way associated for the Salado Creek Greenway Trail Project (SE Military to Monte Viejo), located in Council District 3.

SECTION 3. The amount of \$300,000.00 is appropriated in Fund 29619000 Tree Preservation, IO 390000002755, GL account 6102100 Transfer Out to Fund 40005000 Park Improvements. The amount of \$300,000.00 is authorized to be transferred to Fund 40005000 Parks Improvements.

SECTION 4. The budget in Fund 40005000 Park Improvements, Project 26-00663 Salado Creek (SE Military to Monte Viejo, shall be revised by increasing WBS 26-00660-90-14-01 with GL 6101100 and WBS 26-00663-04-02-01 with GL 5201140 each by \$300,000.00.

SECTION 5. Payment is authorized to be encumbered and made payable to TCL Construction Enterprises, LLC in an amount not to exceed \$1,775,000.00.

Payment of \$1,375,000.00 is in support of the Salado Creek (SE Military to Monte Viejo) Project using Fund 40005000 with the WBS elements and GL accounts in the table below. Funding for this project is provided by the Linear Parks 2015 Fund and the Tree Preservation Fund and is in the FY2022-FY2027 CIP Budget as amended above.

WBS	GL	AMOUNT
26-00663-05-02-01	5201140	\$1,075,000.00
23-00663-04-02-01	5201140	300.000.00
23-01567-05-02-08	5201140	197,360.77
TOTAL		\$383,627.71

Payment of \$400,000.00 is in support of the Creekway Low Impact Development Project using Fund 40005000 with the WBS element 26-00653-05-02-16 and GL account 5201140. Funding for this project is provided by the Linear Parks 2015 Fund and is in the FY2022-FY2027 CIP Budget.

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

PASSED and APPROVED this ____ day of _____, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney