

City of San Antonio



AGENDA

City Council A Session

Municipal Plaza Building
114 W. Commerce Street
San Antonio, Texas 78205

Thursday, June 6, 2024

9:00 AM

Municipal Plaza Building

The City Council will hold its regular meeting in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building beginning at the above referenced date and time for the following items. Once convened, the City Council will take up the following items in any order during the meeting but no sooner than the designated times.

9:00AM: Call to Order

Members of the public can comment on items on the agenda. To sign up to speak visit www.saspeakup.com. Click on meetings and events and select the meeting you'd like to participate in. Sign up to speak or submit a written comment. Questions relating to these rules may be directed to the Office of the City Clerk at (210) 207-7253.

Individuals signing up for public comment may register for VIA bus fare or parking validation at www.saspeakup.com. VIA bus fare or parking at City Tower Garage (located at 100 Blk N. Main) will be provided to individuals who request the assistance. Staff will provide VIA bus fare passes and parking validation tickets in the lobby of City Council Chambers.

To view the Live meeting please view our [Live Stream](#)

During the meeting, the City Council may meet in executive session for consultation with the City Attorney's Office concerning attorney-client matters under Chapter 551 of the Texas

Government Code.

ACCESS STATEMENT

The City of San Antonio ensures meaningful access to City meetings, programs and services by reasonably providing: translation and interpretation, materials in alternate formats, and other accommodations upon request. To request these services call (210) 207-2098 or Relay Texas 711 or by requesting these services online at <https://www.sanantonio.gov/gpa/LanguageServices>. Providing at least 72 hours' notice will help to ensure availability.

Intérpretes en español estarán disponibles durante la junta del consejo de la ciudad para los asistentes que lo requieran. También se proveerán intérpretes para los ciudadanos que deseen exponer su punto de vista al consejo de la ciudad. Para más información, llame al (210) 207-7253.

For additional information on any item on this agenda, please visit www.sanantonio.gov or call (210) 207-7080.

12.

2024-06-06-0387

Ordinance accepting a construction reimbursement in the amount of \$144,800 from Lockwood, Andrews & Newnam (LAN, Inc.) for design alterations to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project, a 2017 General Obligation Bond Program funded project included in the FY 2024 – FY 2029 Capital Improvements Program. [John Peterek, Interim Assistant City Manager; Razi Hosseini, Director, Public Works]

THE CITY COUNCIL MAY RECESS FOR LUNCH AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS

6:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.

Printed on: 04/06/2025 07:54 AM



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 12

Agenda Date: June 6, 2024

In Control: City Council A Session

DEPARTMENT: Public Works Department

DEPARTMENT HEAD: Razi Hosseini

COUNCIL DISTRICTS IMPACTED: District 1

SUBJECT:

Construction Reimbursement: North Main Avenue & Soledad Street (Pecan Street to Navarro Street)

SUMMARY:

An ordinance approving the City of San Antonio's acceptance and appropriation of a construction reimbursement in the amount of \$144,800.00 from Lockwood, Andrews & Newnam (LAN, Inc.) for design deficiencies to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project, a 2017 General Obligation Bond Program funded project included in the FY 2024 – FY 2029 Capital Improvements Program, located in Council District 1.

BACKGROUND INFORMATION:

On May 6, 2017, San Antonio voters approved the City of San Antonio's 2017-2022 Bond Program, of which \$9,000,000.00 was approved for roadway reconstruction for the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project. An additional \$9,000,000.00 was authorized in the 2017 Bond Program for District 1 Pedestrian Mobility & Streets of which \$660,000.00 was used to fund pedestrian enhancements on North Main Avenue and Soledad Street.

This project reconstructed North Main Avenue and Soledad Street from Pecan Street to Navarro Street and constructed improvements consisting of roadway enhancements, sidewalks, bike amenities, pedestrian illumination, landscaping, irrigation, storm drainage upgrades, as well as traffic and pedestrian signal upgrades. Also included as part of this project is joint-bid San Antonio Water System (SAWS) and CPS Energy utility work. Construction began in Winter 2022 and was completed in March 2024.

The original SAWS' utility scope of work related to the project specified to reconstruct the upper section of the existing brick sanitary sewer manhole structures and allow the bottom brick base sections to remain in place. Vacuum testing was performed on the structures after the reconstruction of the upper sections were complete and did not pass. Texas Commission on Environmental Quality (TCEQ) required new or rehabilitated sanitary sewer manhole structures to pass vacuum testing. It was necessary to reconstruct the full sewer manhole structures to meet TCEQ vacuum testing requirements.

On January 26, 2023, City Council approved a utility contract amendment for sewer reconstruction services in the increased amount of \$346,903.00 to the construction contract with E-Z Bel Construction, LLC, of which \$346,903.00 was reimbursed by SAWS through Ordinance 2023-01-26-0020. This utility contract amendment compensated the contractor for work and costs associated with replacing existing SAWS brick sanitary sewer utility hole structures with new concrete structures to meet TCEQ sewer utility hole vacuum testing requirements for the North Main Avenue and Soledad Street project. Upon completion of the fully reconstructed sanitary sewer structures, the vacuum testing passed and met TCEQ requirements.

This ordinance allows the City to accept reimbursement from LAN Inc. in the amount of \$144,800.00 for the incurred construction costs related to design deficiencies from inadequate sanitary sewer manhole structure specifications.

ISSUE:

This ordinance approves the City of San Antonio's acceptance of a construction reimbursement in the amount of \$144,800.00 from Lockwood, Andrews & Newnam (LAN, Inc.) for design deficiencies related to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project, a 2017 General Obligation Bond Program funded project included in the FY 2024 – FY 2029 Capital Improvements Program.

This reimbursement of \$144,800.00 from LAN, Inc. is for incurred construction costs related to design deficiencies from inadequate sanitary sewer manhole structure specifications.

ALTERNATIVES:

Alternatively, City Council could choose to decline acceptance of funds from the design consultant. However, the City would not be reimbursed for incurred construction costs. The most cost-effective option is to approve the reimbursement of funds from the design consultant.

FISCAL IMPACT:

This ordinance approves the City of San Antonio's acceptance of a construction reimbursement and appropriation of funds in the amount of \$144,800.00 from Lockwood, Andrews & Newnam (LAN, Inc.) for design deficiencies to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project, a 2017 Bond Program funded project.

RECOMMENDATION:

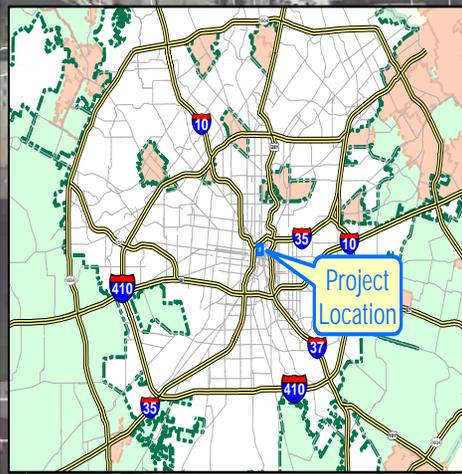
Staff recommends acceptance of funds in the amount of \$144,800.00 from LAN, Inc. for design deficiencies related to the North Main Avenue & Soledad Street (Pecan Street to Navarro Street) project.

North Main Avenue & Soledad Street Reconstruction Project (Pecan Street to Navarro Street)



Legend

-  N Main & Soledad Project Extent



VIA EMAIL AND MAIL WITH RETURN RECEIPT REQUESTED

December 20, 2023

City of San Antonio
Attn: David M. McBeth, Horizontal Projects Division, Public Works Department
100 W. Houston St.
15th Floor
San Antonio, TX 78283-3966

RE: Main and Soledad: Pecan to Navarro ("Project")

Mr. McBeth:

This letter agreement is in response to our recent discussions related to matters described in David Pulido's March 16, 2023 email titled 23-01598 N Main & Soledad - Notice of Errors & Omissions (SAWS Manholes), which reference RFI #046, Change Order #03, and existing manhole structures MH 45517 (SAWS Sanitary Sewer Plan Sheet 7 & 11 of 15), MH 30769 (Sheet 7 & 11 of 15), and MH 30724 (Sheet 8 & 12 of 15 (the "Dispute") on the Project.

In consideration of the mutual promises, and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged by the parties, City of San Antonio, its affiliates, subsidiaries, insurers, contractors and agents (collectively, "Client") and Lockwood, Andrews & Newnam, Inc., its affiliates, subsidiaries, insurers, contractors and agents (collectively, "LAN") agree to the following:

Within thirty (30) days from receipt of this fully executed letter agreement, LAN shall pay Client the lump sum amount of **\$ 144,800 (one hundred and forty-four thousand, eight hundred dollars)**. In return, Client, on behalf of itself, its partners, subsidiaries, affiliates, contractors, insurers, agents, assigns, and successors, hereby releases and forever discharges LAN from any and all claims, damages, causes of actions, and/or costs, including reasonable attorney's fees, related to or arising from the Dispute. Both parties represent that they know of no other dispute or issue related to the Project and/or the services provided by LAN on the Project. Further, except as expressly provided hereunder, nothing in this letter agreement shall be an admission of liability or a waiver of any applicable right by either party. To the extent allowable under law, the parties shall keep the terms of this letter agreement confidential.

The above listed sum shall be paid by LAN via check within thirty days of our receipt of this returned letter agreement executed by Client and a filled in IRS Form W9.

If the foregoing is acceptable to Client, I kindly ask that an authorized representative sign in the space provided below and email a scanned copy of the fully executed letter agreement to sagilbreath@lan-inc.com. Once received, the scanned copy will be an acceptable form of the fully executed letter agreement.

[Signatures on Following Page]

Sincerely: LAN
LOCKWOOD, ANDREWS & NEWNAM, INC.

Signature: Stephen A. Gilbreath

Print: Steve Gilbreath

Title: Vice President, Chief Operations Officer

Agreed: Client
City of San Antonio

Signature: _____

Print: _____

Title: _____

ORDINANCE 2023-01-26-0020

AMENDING A UTILITY CONTRACT IN THE INCREASED AMOUNT OF \$346,903.00 TO THE \$10,636,237.51 CONSTRUCTION CONTRACT WITH E-Z BEL CONSTRUCTION, LLC, OF WHICH \$346,903.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM FOR CONSTRUCTION SERVICES RELATED TO REPLACING EXISTING BRICK SANITARY SEWER UTILITY HOLE STRUCTURES AS PART OF THE NORTH MAIN AVENUE & SOLEDAD STREET (PECAN STREET TO NAVARRO STREET) PROJECT, A 2017 GENERAL OBLIGATION BOND FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 1; AND AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$346,903.00 FROM SAWS FOR CONSTRUCTION SERVICES RELATED TO THIS AMENDMENT.

* * * * *

WHEREAS, On May 6, 2017, San Antonio voters approved the City of San Antonio’s 2017-2022 Bond Program, of which \$9,000,000.00 was approved for roadway reconstruction for the North Main Avenue & Soledad Street (Pecan Street to Navarro Street) Project located in Council District 1. An additional \$9,000,000.00 was authorized in the 2017 Bond Program for District 1 Pedestrian Mobility & Streets, of which \$660,000.00 will be used to fund pedestrian enhancements on North Main Avenue & Soledad Street; and

WHEREAS, on December 16, 2021, City Council approved the construction contract with EZ Bel Construction, LLC in the amount of \$9,696,608.40 of which \$2,309,173.20 was reimbursed by SAWS and \$919,558.11 was reimbursed by CPS Energy for the North Main Avenue & Soledad Street (Pecan Street to Navarro Street) Project through Ordinance 2021-12-0971; and

WHEREAS, on October 20, 2022, City Council approved a contract amendment for \$513,886.69 through Ordinance 2022-10-20-0786, of which \$513,886.69 was reimbursed by CPS Energy for additional gas construction services. Contract amendments to modify and enhance the project have increased this contract by a total of \$939,629.11; and

WHEREAS, this proposed amendment will increase the contract capacity by \$346,903.00 to a revised contract value of \$10,983,140.51.

The following table illustrates the previously authorized amendments since the execution of this agreement:

Item	Amount
Original Contract Value	\$9,696,608.40
Previous Contract Amendments	\$939,629.11
Proposed Contract Amendment	\$346,903.00
Revised Contract Value	\$10,983,140.51

This contract amendment will compensate the contractor for work and costs associated with replacing existing SAWS brick sanitary sewer utility hole structures with new concrete structures for the North Main Avenue & Soledad Street project; and

WHEREAS, this Ordinance approves a utility contract amendment adding additional scope, work, and quantities costs associated with replacing three existing brick sanitary sewer structures with new concrete structures to meet TCEQ sewer utility hole vacuum testing requirements in the increased amount of \$346,903.00; **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 executing a utility contract amendment in the increased amount not to exceed \$346,903.00 and accepting reimbursement from SAWS for construction services related to this amendment.

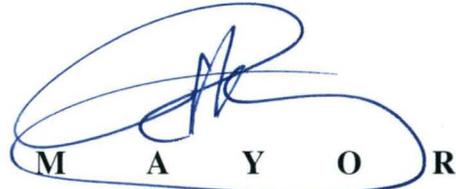
SECTION 2. Payment is authorized to be encumbered and made payable E-Z Bel Construction, LLC in an amount not to exceed \$346,903.00. Payment is in support of the N Main Ave & Soledad St (Pecan - Navarro) Project using Fund 45099000 with the WBS element 23-01598-05-02-03 and GL account 5201245. Funding for this project is provided by GO Bonds and is in the FY2022-FY2027 CIP Budget. Reimbursement of \$346,903.00 will be received from SAWS.

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 26th day of January, 2023.



M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:


Debbie Racca-Sittre, City Clerk


Andrew Segovia, City Attorney



City of San Antonio
City Council Meeting
January 26, 2023

10.

2023-01-26-0020

Ordinance amending a utility contract in the increased amount of \$346,903 to the \$10,636,237.51 construction contract with E-Z Bel Construction, LLC, to replace existing brick sanitary sewer utility hole structures as part of the North Main Avenue & Soledad Street (Pecan Street to Navarro Street) Project, a 2017 General Obligation Bond funded project; and authorizing the acceptance of reimbursement in the amount of \$346,903 from SAWS for the construction services. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director]

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

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

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

ORDINANCE

**APPROVING THE CITY OF SAN ANTONIO'S ACCEPTANCE AND
APPROPRIATION OF A CONSTRUCTION REIMBURSEMENT IN
THE AMOUNT OF \$144,800.00 FROM LOCKWOOD, ANDREWS &
NEWNAM (LAN, INC.) FOR DESIGN ALTERATIONS TO THE
NORTH MAIN AVENUE AND SOLEDAD STREET (PECAN
STREET TO NAVARRO STREET) PROJECT, A 2017 GENERAL
OBLIGATION BOND PROGRAM FUNDED PROJECT INCLUDED
IN THE FY 2024 – FY 2029 CAPITAL IMPROVEMENTS PROGRAM,
LOCATED IN COUNCIL DISTRICT 1**

* * * * *

WHEREAS, on May 6, 2017, San Antonio voters approved the City of San Antonio's 2017-2022 Bond Program, of which \$9,000,000.00 was approved for roadway reconstruction for the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project; and

WHEREAS, an additional \$9,000,000.00 was authorized in the 2017 Bond Program for District 1 Pedestrian Mobility & Streets of which \$660,000.00 was used to fund pedestrian enhancements on North Main Avenue and Soledad Street; and

WHEREAS, this project reconstructed North Main Avenue and Soledad Street from Pecan Street to Navarro Street and constructed improvements consisting of roadway enhancements, sidewalks, bike amenities, pedestrian illumination, landscaping, irrigation, storm drainage upgrades, traffic and pedestrian signal upgrades, and joint-bid San Antonio Water System (SAWS) and CPS Energy utility work; and

WHEREAS, construction began in Winter 2022 and was completed in March 2024; and

WHEREAS, the original SAWS' utility scope of work related to the project specified to reconstruct the upper section of the existing brick sanitary sewer manhole structures and allow the bottom brick base sections to remain in place; and

WHEREAS, vacuum testing was performed on the structures after the reconstruction of the upper sections were complete and did not pass, and Texas Commission on Environmental Quality (TCEQ) required new or rehabilitated sanitary sewer manhole structures to pass vacuum testing, and so it was necessary to reconstruct the full sewer manhole structures to meet TCEQ vacuum testing requirements; and

WHEREAS, on January 26, 2023, City Council approved a utility contract amendment for sewer reconstruction services in the increased amount of \$346,903.00 to the construction contract with

E-Z Bel Construction, LLC, of which \$346,903.00 was reimbursed by SAWS through Ordinance 2023-01-26-0020; and

WHEREAS, this utility contract amendment compensated the contractor for work and costs associated with replacing existing SAWS brick sanitary sewer utility hole structures with new concrete structures to meet TCEQ sewer utility hole vacuum testing requirements for the North Main Avenue and Soledad Street project, and upon completion of the fully reconstructed sanitary sewer structures, the vacuum testing passed and met TCEQ requirements; and

WHEREAS, this ordinance approves the City of San Antonio's acceptance of a construction reimbursement in the amount of \$144,800.00 from Lockwood, Andrews & Newnam (LAN, Inc.) for construction costs related to inadequate sanitary sewer manhole structure specifications related to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project, a 2017 General Obligation Bond Program funded project included in the FY 2024 – FY 2029 Capital Improvements Program; **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 accept a construction reimbursement in the amount of \$144,800.00 for construction costs related to inadequate sanitary sewer manhole structure specifications related to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) Project.

SECTION 2. Funds in the amount of \$144,800.00 are authorized to be received and appropriated in Fund 45099000, Project 23-01598, WBS Element 23-01598-90-10-01 and GL Account 6301130.

SECTION 3. Funds in the amount of \$144,800.00 are authorized to be appropriated in Fund 45099000, Project 23-01598, WBS Element 23-01598-05-02-01 and GL Account 5201140.

SECTION 4. 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 5. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 6th day of June, 2024.

M A Y O R
Ron Nirenberg

DAH
6/6/2024
Item No.

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT



City Council A-Session

Item # 12 – Construction Reimbursement: North Main Avenue & Soledad Street (Pecan Street to Navarro Street)

June 6, 2024

Razi Hosseini, P.E., R.P.L.S., Director/City Engineer, Public Works Department

Background



- As part of the voter approved 2017 Bond Program, \$9.0 million was allocated for roadway reconstruction, sidewalks, bike amenities, pedestrian landscaping, traffic and pedestrian signals.
- Project improved mobility and environment on heavily used streets in downtown San Antonio.
- Project completed March 2024

Location:

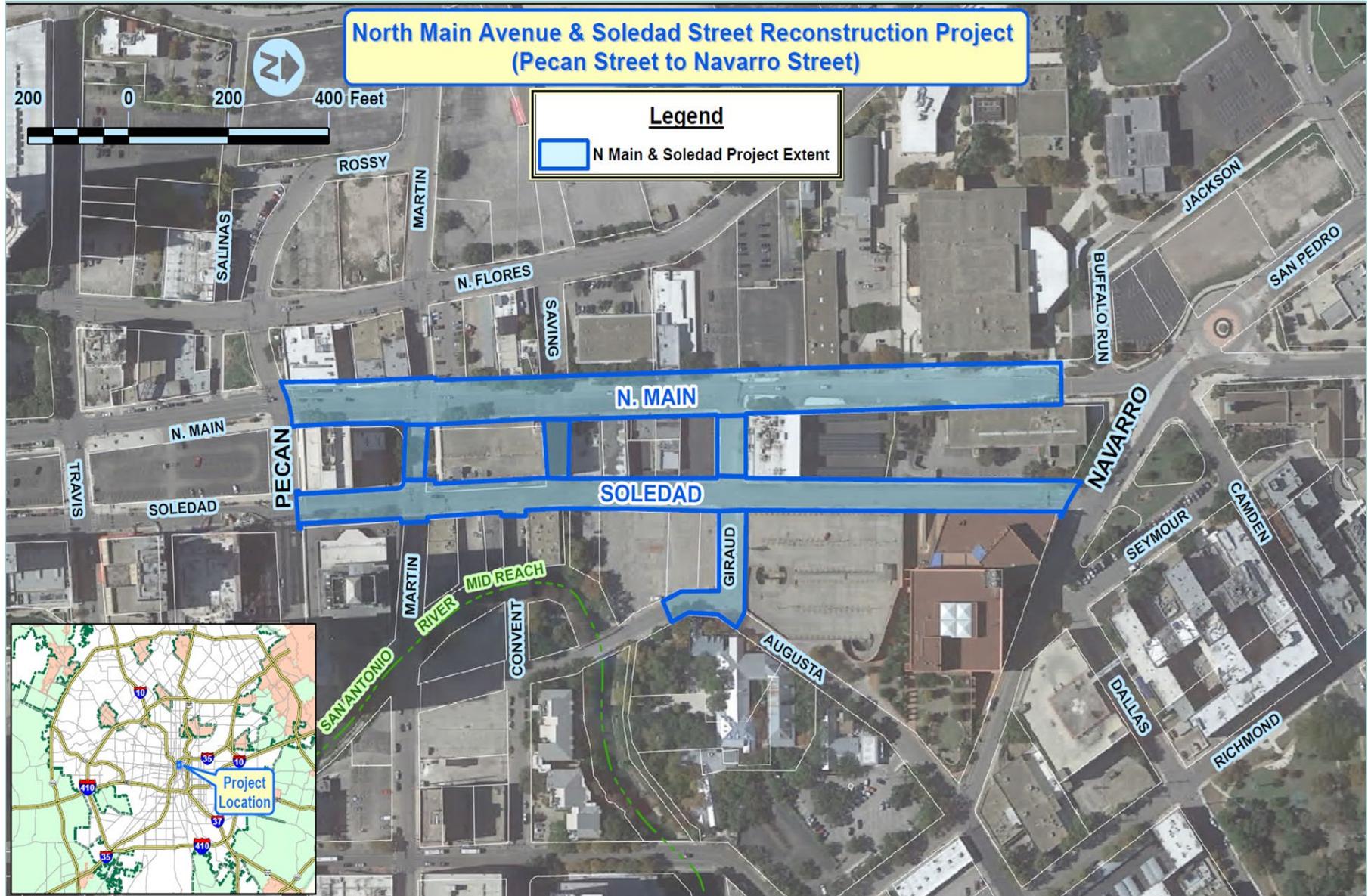
District 1

Funding:

2017 Bond



Project Map



Construction Reimbursement

Reimbursement in amount of \$144,800.00 from LAN, Inc. is for incurred construction costs related to design deficiencies from inadequate sanitary sewer manhole structure specifications.



North Main Avenue



Soledad Street



Recommendation

Acceptance of a construction reimbursement and appropriation of funds in the amount of \$144,800.00 from Lockwood, Andrews & Newnam (LAN, Inc.) to the North Main Avenue and Soledad Street (Pecan Street to Navarro Street) for design deficiencies.

City Council A-Session



PUBLIC WORKS

**Item #12 – Construction Reimbursement:
North Main Avenue & Soledad (Pecan Street to Navarro Street)**