

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

ORDINANCE

AN ORDINANCE APPROVING AN AMENDMENT IN THE INCREASED AMOUNT NOT TO EXCEED \$7,713,614.71 FOR A TOTAL OF \$56,413,614.71 FOR A DESIGN BUILD CONTRACT WITH SUNDT CONSTRUCTION, INC., FOR THE ADDITIONAL DESIGN AND CONSTRUCTION SERVICES FOR THE CONVERSION OF OVERHEAD ELECTRIC UTILITIES, LOW IMPACT DEVELOPMENT, WATER SYSTEM, PEDESTRIAN AND STORM DRAIN IMPROVEMENTS RELATED TO THE LOWER SEGMENT OF THE BROADWAY STREET CORRIDOR (E. HOUSTON STREET TO E. HILDEBRAND AVENUE) PROJECT IN COUNCIL DISTRICT 1. FUNDING IS AVAILABLE IN THE FY 2022 – FY 2027 CAPITAL IMPROVEMENT PROGRAM. THIS ORDINANCE ALSO AUTHORIZES THE APPROPRIATION AND AMENDING OF THE FY 2022 – FY 2027 CAPITAL IMPROVEMENT PROGRAM WITH FUNDS IN THE AMOUNT OF \$5,461,652.35 FROM CPS ENERGY, \$649,271.53 FROM SAN ANTONIO WATER SYSTEM AND \$396,195.37 FROM SAN ANTONIO RIVER AUTHORITY TOTALING \$6,507,119.25 TO THE LOWER SEGMENT OF THE BROADWAY STREET CORRIDOR (E. HOUSTON STREET TO E. HILDEBRAND AVENUE) PROJECT.

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WHEREAS, on May 6, 2017, San Antonio voters approved the 2017-2022 Bond Program, which included funds in the amount of \$42,000,000.00 to develop corridor improvements associated with the Broadway Corridor from Houston Street to Hildebrand Avenue/Burr Road; and

WHEREAS, on May 17, 2018, City Council approved the negotiation and execution of a Design-Build Agreement with Sundt Construction, Inc. in the amount not to exceed \$32,700,000.00 for the design and construction of the Lower Segment of the Broadway Street Corridor Project through Ordinance 2018-05-17-0347; and

WHEREAS, on October 3, 2019, City Council approved an Interlocal Agreement with the San Antonio River Authority in the amount not to exceed \$396,195.37 for the construction and design of green storm water infrastructure for the 2017 Bond Broadway Corridor Project through Ordinance 2019-10-03-0816; and

WHEREAS, on November 14, 2019, City Council approved the first amendment to the contract in the total amount of \$6,000,000.00 for the design and construction of Avenue B and N. Alamo bike lanes as part of the Lower Segment of the Broadway Street Corridor Project through Ordinance 2019-11-14-0950; and

WHEREAS, on November 14, 2019, City Council approved the Mid-Town TIRZ funds for the first amendment through Ordinance 2019-11-14-0949; and

WHEREAS, on June 11, 2020, City Council approved the second amendment to the contract in the total amount of \$10,000,000.00 for additional utility infrastructure work as part of the Lower Segment of the Broadway Street Corridor Project through Ordinance 2020-06-11-0398; and

WHEREAS, \$841,652.93 will fund the installation of trees and irrigation for the Lower Segment of the Broadway Street Corridor Project as part of the City's continuing efforts to increase tree canopy throughout the City; **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 an increased amount not to exceed \$7,713,614.71 payable to Sundt Construction, Inc. Of this amount, \$5,461,652.35 will be reimbursed by CPS Energy, \$649,271.53 will be reimbursed by San Antonio Water System, \$396,195.37 will be funded by San Antonio River Authority, \$841,652.93 will be funded by Tree Canopy Preservation & Mitigation Fund and \$364,842.53 will be funded by the City for additional design and construction services for the conversion of overhead electric utilities, low impact development green infrastructure features, water system, pedestrian and storm drain improvements related to the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to appropriate and amend the FY 2022 – FY 2027 Capital Improvement Program with funds in the amount of \$5,461,652.35 from CPS Energy, \$649,271.53 from San Antonio Water System and \$396,195.37 from San Antonio River Authority totaling \$6,507,119.25 to the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project.

Funding Source	Amount	Item Funded
CPS Energy	\$5,461,652.35	Underground electric conversion and associated work.
San Antonio Water System (SAWS)	\$649,271.53	Water infrastructure and associated work.
San Antonio River Authority	\$396,195.37	Low Impact Development (LID) features.
Tree Canopy Preservation & Mitigation Fund	\$841,652.93	Tree installation and associated irrigation.
City (2017 General Obligation Bond)	\$364,842.53	Pedestrian sidewalk extension and storm drain replacement.

	\$7,713,614.71	Amendment Total
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SECTION 3. Funds in the amount of \$5,461,652.35 are authorized to be received from CPS Energy and shall be appropriated in Fund 45099000, WBS Element 23-01561-90-09 and GL account 4502280. This also amends the FY 2022-FY 2027 Capital Improvement Program.

SECTION 4. Funds in the amount of \$5,461,652.35 shall be appropriated in Fund 45099000, WBS Element 23-01561-05-02-07-01 and GL account 5201245.

SECTION 5. Funds in the amount of \$649,271.53 are authorized to be received from SAWS and shall be appropriated in Fund 45099000, WBS Element 23-01561-90-08 and GL account 4502280. This also amends the FY 2022-FY 2027 Capital Improvement Program.

SECTION 6. Funds in the amount of \$649,271.53 shall be appropriated in Fund 45099000, WBS Element 23-01561-05-02-04-01 and GL account 5201245.

SECTION 7. Funds in the amount of \$396,195.37 are authorized to be received from San Antonio River Authority (SARA) and shall be appropriated in Fund 45099000, WBS Element 23-01561-90-10-02 and GL account 4502280. This also amends the FY 2022-FY 2027 Capital Improvement Program.

SECTION 8. Funds in the amount of \$396,195.37 shall be appropriated in Fund 45099000, WBS Element 23-01561-05-02-12-01 and GL account 5201245.

SECTION 9. The budget in Fund 45099000, WBS Element 23-01561-05-06 and GL account 5201140 shall be decreased by \$364,842.53.

SECTION 10. The budget in Fund 45099000, WBS Element 23-01561-05-02-01-01 and GL account 5201140 shall be increased by \$364,842.53.

SECTION 11. Payment is authorized to be encumbered and made payable to Sundt Construction, Inc. in an amount not to exceed \$7,713,614.71. Payment is in support of the Lower Segment of the Broadway Street Corridor (E. Houston Street to E. Hildebrand Avenue) Project. Funding for this project is provided by GO Bonds, TIRZ funds and Tree Canopy funds and is in the FY 2022 – FY 2027 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 12. 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 13. 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 September, 2022.

M A Y O R

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney