

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

**ORDINANCE**

**AWARDING A CONSTRUCTION CONTRACT TO E-Z BEL CONSTRUCTION, LLC IN THE AMOUNT OF \$6,766,235.62 WITH REIMBURSEMENT FROM CPS ENERGY IN AN AMOUNT CONSISTENT WITH THEIR EXISTING INFRASTRUCTURE FOR THE UPPER LEON CREEK RSWF - CULEBRA CREEK PROJECT. FUNDS ARE AVAILABLE FROM 2007 GENERAL OBLIGATION BOND, STORM WATER REGIONAL FACILITIES AND PROPOSITION 2 PARKS DEVELOPMENT & EXPANSION VENUE FUNDS AND INCLUDED IN THE FY 2021 - FY 2026 CAPITAL IMPROVEMENT PROGRAM.**

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**WHEREAS**, as part of the 2007 Bond Program, funds in the amount of \$3,156,000.00 were approved for the Upper Leon Creek Regional Storm Water Facility (RSWF) project initially anticipated to be located within the Government Canyon State Natural Area. As part of this project, a Due Diligence and Feasibility Study for Government Canyon Creek RSWF was completed to analyze several potential detention sites within Government Canyon; and

**WHEREAS**, due to changes in baseline floodplain conditions from recent floodplain Letters of Map Revision (LOMR) and updated topographic data, it was determined neither size of detention site options were cost-effective solutions for the flood reduction risk associated with this project. As a result, three alternative projects within the Upper Leon Creek Watershed were studied and shown to be more cost-effective options, including the Helotes Creek RSWF, Culebra Creek Natural Waterway Conveyance (NWWC) and Leon Creek NWWC. Of these projects, Culebra Creek NWWC included the appropriate available funding for the City to execute; and

**WHEREAS**, the Upper Leon Creek RSWF - Culebra Creek NWWC project will improve water drainage conveyance and 100-year flood reduction benefits for several adjacent properties; and

**WHEREAS**, project improvements will include an earthen channel upstream and downstream of Culebra Road Bridge and Timber Path Bridge, the armoring of bridge columns for both Culebra Road and Timber Path Bridges, the installation of a concrete retaining wall with riprap to stabilize side slopes behind a commercial property, CPS gas line adjustments will also be included as part of the project, and in collaboration with the Parks and Recreation Department incorporating the Culebra Creek Hike and Bike Trail (Cathedral Rock Park to Grissom Road); and

**WHEREAS**, the Culebra Creek Hike and Bike Trail (Cathedral Rock Park to Grissom Road) project is part of a growing network of interconnected hike and bike trails on the Howard W.

Peak Greenway Trails system, which has been funded through a portion of a 1/8-cent voter approved sales tax since its inception; and

**WHEREAS**, these project locations overlap, the City coordinated the flood control and trail designs for both projects by joint bid utilizing the same contractor; and

**WHEREAS**, construction of these improvements is anticipated to begin in October 2021 and is estimated to be completed by June 2022; and

**WHEREAS**, project was advertised on March 3, 2021 for construction bids in the San Antonio Hart Beat, on the City's website, on the Texas Electronic State Business Daily, on TVSA and through the electronic bidding site CivCast. Bids were opened on April 13, 2021 and nine (9) bids were received; and

**WHEREAS**, this contract will be awarded in compliance with the new Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts to be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract to maximize the amount of small, minority and women-owned business participation on the contract. The Goal Setting Committee set a 22% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 2% African American Business Enterprise (AABE) subcontracting goal; and

**WHEREAS**, this ordinance accepts the lowest responsive bid and awards a construction contract to E-Z Bel Construction, LLC in the amount of \$6,766,235.62 of which \$296,860.00 will be reimbursed by CPS Energy for the Upper Leon Creek RSWF project; **NOW THEREFORE:**

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

**SECTION 1.** The lowest responsive bid by E-Z Bel Construction, LLC in the amount of \$6,766,235.62 of which \$296,860.00 will be reimbursed by CPS Energy for the Upper Leon Creek RSWF project, is hereby accepted. All other bids will be considered rejected upon execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates.

**SECTION 2.** Payment is authorized to be encumbered and made payable to E-Z Bel Construction, LLC in an amount not to exceed \$6,766,235.62.

Payment of \$4,670,042.92 is in support of the Upper Leon Creek Regional RSWF Project, using Fund 48099000, with the WBS elements and GL accounts in the table below. Funding is provided by GO Bonds, Revenue Bonds, and the Drainage Detention Project Fund and is in the FY2021-FY2026 CIP Budget. Reimbursement of \$296,860.00 will be received from CPS Energy.

WBS	GL	AMOUNT
23-03730-05-02-01	5201140	\$4,373,182.92
23-03730-0502-03	5201245	\$296,860.00
TOTAL		\$4,760,042.92

Payment of \$1,745,945.00 is in support of the Culebra Creek Greenway (Cathedral Rock Park) Project, using Fund 40005000, with the WBS Element 26-00624-05-08 and GL Account 5201140. Funding is provided by Parks Acquisitions and Development Fund and the Linear Parks 2015 Fund and is in the FY2021-FY2026 CIP Budget.

Payment of \$350,247.70 is in support of the Creekway Low Impact Development Project, using Fund 40005000, with the WBS Element 26-00653-05-02-11 and GL Account 5201140. Funding is provided by Linear Parks 2015 Fund and is in the FY2021-FY2026 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 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 shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED and APPROVED** this \_\_\_\_\_ day of June, 2020.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Tina J. Flores, City Clerk

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Andrew Segovia, City Attorney