



# City of San Antonio

## Legislation Details (With Text)

<b>File #:</b>	18-5080
<b>Type:</b>	Capital Improvements
<b>In control:</b>	City Council A Session
<b>On agenda:</b>	9/6/2018
<b>Title:</b>	Ordinance approving a Donation Agreement with the Phil Hardberger Park Conservancy in an amount not to exceed \$10,000,000, of which \$1,000,000 to be funded by Bexar County and \$2,000,000 to be funded by the Texas Parks and Wildlife Grant, \$4,205,000 to be funded by private donation and \$2,795,000 from the Hardberger Conservancy in connection with the Hardberger Park Land Bridge Project.
<b>Sponsors:</b>	
<b>Indexes:</b>	
<b>Code sections:</b>	
<b>Attachments:</b>	1. Attachment A - Hardberger Park Donation Agreement 8-20-18, 2. Attachment B - Multiple Use Agreement_CoSA Hardberger Land BridgeC 2044-RvBBdocx DRAFT, 3. Attachment C1 - Project Site Map_Hardberger Land Bridge, 4. Attachment C2 - Master Final Score Sheet, 5. Attachment C3 - Contract Disclosure Form, 6. Draft Ordinance A, 7. Draft Ordinance B, 8. Draft Ordinance C, 9. Staff Presentation, 10. Ordinance 2018-09-06-0678

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Transportation & Capital Improvements

**DEPARTMENT HEAD:** Mike Frisbie, P.E.

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUBJECT:

Hardberger Park Land Bridge (2017 Bond Project)

### SUMMARY:

Consideration of the following items related to the Hardberger Park Land Bridge, a 2017 - 2022 General Obligation Bond funded Project, located in Council Districts 8 and 9:

- A. An ordinance authorizing the execution of a Donation Agreement with the Phil Hardberger Park Conservancy in an amount not to exceed \$10,000,000, of which \$1,000,000 to be funded by Bexar County and \$2,000,000 to be funded by the Texas Parks and Wildlife (TPWD) Grant, \$4,205,000 to be funded by private donation and \$2,795,000 from the Hardberger Conservancy in connection with the Hardberger Park Land Bridge Project.

- B. An ordinance authorizing the negotiation and execution of a Multiple Use Agreement between the City of San Antonio and the Texas Department of Transportation (TxDOT), authorizing City of San Antonio to enter, construct and maintain a land bridge in the right of way located over Wurzbach Parkway, a roadway on the state highway system, necessary for the completion of the Hardberger Park Land Bridge Project.
- C. An ordinance authorizing the negotiation and execution of a construction contract in an amount not to exceed \$18,265,000 to SpawGlass Civil Construction Inc. to construct a land bridge over Wurzbach Parkway connecting the West and East Parks in order to provide pedestrian, bicycle and wildlife mobility throughout the Park, a 2017 General Obligation Bond funded Project; and, authorizing the appropriation of \$182,325 from the Tree Canopy Preservation and Mitigation Fund for the Hardberger Park Land Bridge Project.

## BACKGROUND INFORMATION:

### Project Background

On May 6, 2017, San Antonio voters approved the 2017-2022 Bond Program, consisting of six propositions totaling \$850 Million to be used on various capital improvement projects to address community infrastructure needs and improve the overall quality of life in San Antonio. As part of Proposition 1 Streets, Bridges & Sidewalk Improvements, funds in the amount of \$7,500,000 and as part of Proposition 3 Parks, Recreation & Open Space Improvements, funds in the amount of \$5,500,000 were approved for improvements associated with Phil Hardberger Park in accordance with City Council approved Phil Hardberger Park Master Plan.

The Phil Hardberger Park is a 311 acre City Park that first opened in May 2010, and is divided by Wurzbach Parkway with the West Park located at 8400 N.W. Military and the East Park located at 13203 Blanco Road in Council Districts 8 and 9. In accordance with the City Council approved Master Plan, the Phil Hardberger Park Land Bridge will be constructed over Wurzbach Parkway connecting the West and East Parks in order to provide pedestrian, bicycle and wildlife mobility throughout the Park. Construction start is anticipated to begin November 2018 and is estimated to be completed in April 2020.

The Phil Hardberger Park Conservancy is a 501(c)3 nonprofit organization that supports all aspects of the park, from planning activities to fundraising. The Donation Agreement with the Conservancy provides the City with donated funding in the total amount of \$10,000,000.00 for the planned Phil Hardberger Park Land Bridge to be constructed over Wurzbach Parkway. The contribution includes design and construction fundraising from private donors, public donors, and the design construction documents. The public donations include \$1,000,000 from Bexar County towards the construction of the project to be provided in three annual installments, subject to appropriation, of which the first of three payments was approved by the Bexar County Commissioner's Court on March 19, 2018; and, \$2,000,000 as part of a Texas Parks and Wildlife (TPWD) Grant pursuant to Ordinance No. 201604140280 approved on April 14, 2016 in which the City provided \$1,000,000 in matching funds from Certificates of Obligation. Private donations total \$4,205,000, of which \$2,520,000 will be provided in lump sum upon the Agreement execution, followed by three annual installments of \$561,666.66 beginning in June 2019. All private donations fundraised by the Conservancy and donated to the City will be applied towards the construction of the project.

Conservancy Fundraising Contribution	
*Public Donations	\$3,000,000

Private Donations	\$4,205,000
Conservancy Funded Design & Construction Services	\$2,795,000
Total	\$10,000,000

\*Public Donations = Bexar County: \$1 million and TPWD Grant: \$2 million

### Procurement of Services

A Request for Competitive Sealed Proposal (RFCSP) was advertised in March 2018 in the San Antonio Hart Beat, San Antonio Express Newspaper, Engineering News Record, on the TVSA and Texas Electronic State Business Daily and through the TCI Small Business Office. Responses were due on April 18, 2018 and 6 proposals were received. A selection committee consisting of a representative from the City of San Antonio and the Phil Hardberger Park Conservancy evaluated and ranked the submissions. Scoring was based on the published evaluation criteria which included: Experience, Background and Qualifications, Key Personnel, Key Sub-Consultants; Understanding of the Project and Proposed Management Plan; Overall evaluations of the firm/team and its ability to provide the required services and participation in SBE Prime Contract Program. The highest ranking respondent, SpawGlass Civil Construction, Inc. is recommended for selection.

This contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract in an effort to maximize the amount of small, minority, and women-owned business participation on the contract. The Goal Setting Committee set a 25% certified Small Business Enterprise (SBE) subcontracting goal, 20% Minority/Women Business Enterprise (M/WBE) subcontracting goal and 2% African American Business Enterprise (AABE) subcontracting goal. SpawGlass Civil Construction, Inc. has committed to meeting these goals.

The Discretionary Contracts Disclosure Form as required by the City's Ethics Ordinance for all projects where subjective criteria are used to select the contractor or consultant rather than by low bid is attached.

### ISSUE:

This item requests the following actions related to the Hardberger Park Land Bridge, a 2017 - 2022 General Obligation Bond funded Project, located in Council Districts 8 and 9:

- A. This ordinance authorizes the execution of a Donation Agreement with the Phil Hardberger Park Conservancy in an amount not to exceed \$10,000,000, of which \$1,000,000 to be funded by Bexar County and \$2,000,000 to be funded by Texas Parks and Wildlife (TPWD) Grant, \$4,205,000 to be funded by private donation and \$2,795,000 from the Hardberger Conservancy in connection with the Hardberger Park Land Bridge Project.

The execution of the Donation Agreement is necessary to ensure full funding of the Hardberger Park 2017 Bond Project. The \$23,000,000 Hardberger Land Bridge will be funded by \$13,000,000 in voter approved 2017 General Obligation Bond funds matched with \$10,000,000 from the Conservancy. The Conservancy's contribution includes design and construction fund raising from private donors, public donors, and the design construction documents. The public donations include \$1,000,000 from Bexar County; \$2,000,000 as part of a 2016 Texas Parks and Wildlife (TPWD) Grant; and, private donations totaling \$4,205,000. The Hardberger Park 2017 Bond Project was called out to the voters as including leveraged funding and will not be completed without the acceptance of these additional funds.

- B. This ordinance authorizes the negotiation and execution of a Multiple Use Agreement between the City of San Antonio and the Texas Department of Transportation (TxDOT), authorizing City of San Antonio to enter, construct and maintain a land bridge in the right-of-way located over Wurzbach Parkway, a roadway on the state highway system, necessary for the completion of the Hardberger Park Land Bridge Project.

The execution of this Multiple Use Agreement is necessary for the completion of Hardberger Park Land Bridge, a 2017 Bond Project. The land bridge to be constructed will reside in TxDOT's right-of-way located over Wurzbach Parkway. Texas Transportation Code requires, when improvements are made on roadways of the state highway system, municipalities of the state must enter into an agreement with TxDOT. This Multiple Use Agreement is consistent with such requirements and, this agreement allows the City to enter, construct and maintain the necessary improvements.

- C. This ordinance authorizes the negotiation and execution of a construction contract in an amount not to exceed \$18,265,000 to SpawGlass Civil Construction Inc. to construct a land bridge over Wurzbach Parkway connecting the West and East Parks in order to provide pedestrian, bicycle and wildlife mobility throughout the Park, a 2017 General Obligation Bond funded Project; and, authorizing the appropriation of \$182,325 from the Tree Canopy Preservation and Mitigation Fund for the Hardberger Park Land Bridge Project.

The Land Bridge will be 150 feet wide and 189 feet in length. The bridge abutments will be cast in place concrete with the arched beam supports fabricated of weathering steel. Limestone block walls will retain grade and weathering steel panels will be used for walls on the two sides of the bridge, preventing pedestrians and wildlife from going off the bridge onto Wurzbach Parkway. Certain improvements of the project will utilize Low Impact Development capturing water to allow for landscape irrigation and percolation into the ground. Native vegetation will be installed to restore the site, provide shade and prevent erosion. Accessible trails of a decomposed granite and crushed stone stabilized with polymers will be utilized to connect the two sides of the park. The Tree Canopy Preservation and Mitigation Fund will pay for the installation and irrigation for establishment of some of the new trees in the project to increase the tree canopy on the project. An elevated Sky Walk will provide access from the middle of the bridge, to the east parcel of Hardberger Park. The Sky Walk experience will allow the pedestrians to move through the tree canopy.

Project construction is anticipated to begin in November 2018 and is estimated to be completed in April 2020.

#### **ALTERNATIVES:**

- A. City Council could choose not to approve the Donation Agreement; however, without the Phil Hardberger Park Conservancy as a partner, the City would have to provide an additional \$10 million in funding to construct the project. The project could not be completed in the same timeline.
- B. City Council could choose not to approve the Multiple Use Agreement; however, without TxDOT's authorization to enter and construct within its right-of-way, the City cannot complete the project.
- C. As an alternative, this Project could be delivered utilizing another delivery method. However,

considering the additional time required for another solicitation process, this would adversely affect the timely completion of the Project.

### **FISCAL IMPACT:**

- A. This ordinance authorizes the acceptance of the donation from the Phil Hardberger Park Conservancy in the amount not to exceed \$10,000,000. This amount will be reflected in the Capital Project Budget and used to supplement the funds approved in the 2017 Bond Program for the Hardberger Park Land Bridge Development.
- B. There is no fiscal impact regarding the execution of this Multiple Use Agreement.
- C. This is a one-time capital improvement expenditure in the amount of \$18,265,000 authorized payable to SpawGlass Civil Construction, Inc. Funds are available from 2017-2022 General Obligation Bond funds and are included in the FY 2018-2022 Capital Improvement Budget; and, upon approval the acceptance of donations in the total amount of \$10,000,000. This ordinance will also authorize the appropriation of \$182,325 from the Tree Canopy Preservation and Mitigation Fund for the Hardberger Park 2017 Bond Project.

### **RECOMMENDATION:**

Staff recommends approval of the following items related to the Hardberger Park Land Bridge, a 2017 - 2022 Bond funded project:

- A. An ordinance authorizing the negotiation and execution of a Donation Agreement with the Phil Hardberger Park Conservancy in an amount not to exceed \$10,000,000 for the Hardberger Park Land Bridge Project.
- B. An ordinance authorizing the negotiation and execution of a Multiple Use Agreement between the City of San Antonio and the Texas Department of Transportation (TxDOT), authorizing City of San Antonio to enter, construct and maintain a land bridge in the right of way located over Wurzbach Parkway, a roadway on the state highway system, necessary for the completion of the Hardberger Park Land Bridge Project.
- C. An ordinance authorizing execution and negotiation of a construction contract in the amount of \$18,265,000 authorized payable to SpawGlass Civil Construction, Inc.; and, appropriating \$182,325 from the Tree Canopy Preservation and Mitigation Fund for the Hardberger Park Land Bridge Project.