



City of San Antonio

Agenda Memorandum

File Number:17-3504

Agenda Item Number: 13.

Agenda Date: 9/21/2017

In Control: City Council A Session

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: Council District 10

SUBJECT:

Developer Participation Agreement with Beitel Creek, LTD, a Texas Limited Partnership, for the reclamation, cleaning and development of a linear park along Beitel Creek.

SUMMARY:

An ordinance authorizing the negotiation and execution of a Developer Participation Agreement between the City of San Antonio and Beitel Creek, LTD, a Texas Limited Partnership, in an amount not to exceed \$2,500,000.00 for the reclamation, cleaning of properties along Beitel Creek and the development of a new linear park, 2017-2022 Bond funded projects from the Drainage & Flood Control and Parks, Recreation & Open Space propositions, in support of a future linear park system that would connect the Salado Creek Greenway and Lady Bird Johnson Park.

BACKGROUND INFORMATION:

As part of the 2017-2022 Bond Program, voters approved \$2,000,000.00 from the Drainage & Flood Control proposition and \$500,000.00 from the Parks, Recreation & Open Space proposition for reclamation and cleaning of properties along Beitel Creek and the development of a linear park along the creek with trail heads, parking and trails with the intent to connect to the Salado Creek Greenway and Lady Bird Johnson Park in the future. This project will add additional usable land along the Wurzbach Parkway areas, as well as allowing Beitel Creek to be a passive recreation area.

This agreement is in compliance with the Texas Local Code, Sections 212.071 - 212.074, which allows municipalities to enter into a contract with a developer for the construction of public improvements related to a development. The State Code limits the participation by the municipality not to exceed 30% of the total

contract price. Total project cost for the Beitel Creek reclamation and the development of a linear park is \$8,334,713.50, with the City's portion of \$2,500,000 and the Developer's portion of \$5,834,713.50.

The Beitel Creek Reclamation and Linear Park projects evolved as part of the overall Longhorn Quarry Master Redevelopment Plan. The vision to redevelop the Longhorn Quarry started in the 1990s with the extension of Wurzbach Parkway, west of IH-35, and the extension of Thousand Oaks Boulevard, which involved coordination between TxDOT, the City of San Antonio and Alamo Cement Company. Currently, Morgan's Wonderland Theme Park, Morgan's Inspiration Island, Toyota Fields, STAR Soccer Complex, NEISD athletic facilities and the City's Northeast Service Center are part of the Longhorn Quarry redevelopment area. Potential future developments, as part of the Longhorn Quarry Master Plan, include commercial, multi-family residential and mixed-use redevelopment with additional NEISD athletic facilities.

The Beitel Creek Reclamation and Linear Park projects will specifically:

- Create a linear park along the creek with potential future connections to the Salado Creek Greenway and Lady Bird Johnson Park.
- Redevelop the portion of Beitel Creek with new commercial and residential development
- Support the Longhorn Quarry redevelopment as a multi-family, sports, recreation and commercial destination

This agreement 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 28% Minority/Women Business Enterprise (M/WBE) subcontracting goal, and a 3% African American Business Enterprise (AABE) subcontracting goal.

ISSUE:

This ordinance authorizes the negotiation and execution of a Developer Participation Agreement with Beitel Creek, LTD, a Texas Limited Partnership, in an amount not to exceed \$2,500,000.00 for the reclamation, cleaning of properties and the development of a new linear park along Beitel Creek, 2017-2022 Bond funded projects from the Drainage & Flood Control and Parks, Recreation & Open Space propositions, in support of a future linear park system that would connect the Salado Creek Greenway and Lady Bird Johnson Park.

Beitel Creek, LTD, a Texas Limited Partnership will ensure the completion of the engineering and construction of the project which includes the reclamation, cleaning of properties along Beitel Creek and the development of a new linear park. The City will continuously monitor the project from initial construction documents through routine site visits and pay request approvals. The City's \$2,500,000 will be provided on a reimbursement basis via the City's approval of payment requests by the developer as the project progresses. The Developer is required to comply with federal, state and local laws which includes providing the City performance and payment bonds on the project as well as complying with prevailing wage and hour standards, the City's Small Business Economic Development Advocacy (SBEDA) Ordinance and the Americans with Disabilities Act.

ALTERNATIVES:

City Council could choose not to approve this Developer Participation Agreement; however doing so would cost the City a willing partner for the delivery of two 2017-2022 Bond projects. Reclamation, clean-up services and the development of a linear park would have to be paid for solely from the bond projects, with no partner

participation, which would limit the scope of improvements.

FISCAL IMPACT:

This ordinance authorizes a one-time capital improvement expenditure in an amount not to exceed \$2,500,000.00 payable to Beitel Creek, LTD, a Texas Limited Partnership, for the reclamation, cleaning of properties and the development of a new linear park along Beitel Creek, Funds are available from the 2017-2022 General Obligation Bonds with \$2,000,000.00 from the Drainage & Flood Control proposition and \$500,000.00 from the Parks, Recreation & Open Space proposition.

RECOMMENDATION:

Staff recommends the approval of the execution of a Developer Participation Agreement with Beitel Creek, LTD, a Texas Limited Partnership, in an amount not to exceed \$2,500,000.00.