

Mayor and Council Communication

DATE: 10/11/22

M&C FILE NUMBER: M&C 22-0800

LOG NAME: 80FIRE STATION PARK CMAR AGREEMENT AMENDMENT NO.1

SUBJECT

(CD 9) Authorize Execution of Amendment No.1 to City Secretary Contract No. 57409, a Construction Manager at Risk Agreement with Dean Electric, Inc., dba Dean Construction, in the Amount of \$1,009,464.00 for the Fire Station Park Expansion Project, for a Revised Contract Amount of \$2,512,964.00; Accept Funds in the Amount of \$650,000.00 from Tax Increment Reinvestment Zone #4 - Southside Medical District; Adopt Appropriation Ordinances and Amend the Fiscal Years 2022-2026 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Amendment No.1 to City Secretary Contract No. 57409, a Construction Manager at Risk Agreement with Dean Electric, Inc. dba Dean Construction, for the Fire Station Park Expansion project, in the amount of \$1,009,464.00, for a revised contract amount of \$2,512,964.00;
2. Accept Tax Increment Reinvestment Zone #4 - Southside Medical District Fund, in the amount of \$650,000.00 for the Fire Station Park Expansion project (City Project No. C02638);
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the TIRZ General Capital Fund in the amount of \$650,000.00, transferred from Tax Increment Reinvestment Zone #4 - Southside Medical District Fund for the purpose of funding the Fire Station Park Expansion project;
4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the PARD Dedication Fees Fund in the amount of \$600,000.00, from available funds, for the purpose of funding the Fire Station Park Expansion project; and
5. Amend the Fiscal Years 2022-2026 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize execution of Amendment No.1 to the Construction Manager at Risk (CMAR) agreement with Dean Electric, Inc., dba Dean Construction (Dean Construction), for the Park & Recreation Department's (PARD) Fire Station Park Expansion project, in the amount of \$1,009,464.00, for a revised CMAR contract amount of \$2,512,964.00, accept local funding from Tax Increment Reinvestment Zone #4 - Southside Medical District (TIRZ 4), appropriate \$600,000.00 in receipts and appropriations in the Park and Recreation (PARD) Dedication Fees Fund, and amend the Fiscal Year 2022-2026 Capital Improvement Program.

On August 30, 2016, the City Council authorized the acquisition of approximately 1.35 acres of land located at 1616 Hemphill Street for the expansion of the existing Fire Station Park (M&C L-15946). On April 26, 2019, an Engineering Services Agreement with Pacheco Koch Consulting Engineers, Inc. (Pacheco Koch) was administratively executed in an amount of \$10,000.00 to prepare Phase I development of the site (City Secretary Contract No. 52234). On May 6, 2020, the City Council authorized Amendment No. 1 to the agreement in an amount of \$124,828.00 to provide additional design and construction documents for the site (M&C 20-0321). On August 8, 2022, Amendment No. 2 to the agreement was administratively executed in an amount of \$49,300 to provide construction administration services, for a total contract amount of \$184,128.00.

On March 29, 2022, the City Council authorized (M&C 22-0241) the CMAR agreement with Dean Construction (City Secretary Contract No. 57409) in the amount of \$1,503,500.00, for the installation of 2 skate parks and a market plaza in Fire Station Park.

Amendment No.1 increases the scope to include the installation of a steel pavilion, pump track, lighting, pedestrian walkway, event lawn turf and angled street parking. The additional scope is consistent with the park master plan. The project construction cost of Amendment No. 1 is \$1,009,464.00, which brings the total CMAR contract to \$2,512,964.00. The overall project cost, inclusive of design and construction, is \$2,697,092.00.

This project is being funded by City PARD Dedication Fees Fund, private funds raised by Historic Southside, Inc., dba Near Southside Arts, Inc. (NSA) and TIRZ 4 funds. The total funding increase is outlined below.

Fund	Source	Authority	Original Budget	Budget Adjustment	Revised Budget
General Capital Projects Fund	Near Southside Arts	M&C 22-0241	\$680,000.00	\$0.00	\$680,000.00

TIRZ General Capital Fund	TIRZ #4 - Southside Medical District	This M&C	\$0.00	\$650,000.00	\$650,000.00
PARD Dedication Fees Fund	Central City Fees (Near Southside Units)	M&C 22-0241; This M&C	\$1,200,000.00	\$600,000.00	\$1,800,000.00
PARD Gas Lease Capital Project Fund	Gas Lease Bonus	M&C G-18917	\$9,446.00	\$0.00	9,446.00
TOTAL FUNDING			\$1,889,446.00	\$1,250,000.00	\$3,139,446.00

Funding for this project was not included in the Fiscal Years (FY) 2022-2026 Capital Improvement Program (CIP) due to unrealized TIRZ 4 funds at the time of CIP submission. The action in this M&C will amend the FY 2022-2026 CIP.

Funding is budgeted in the Capital Interfund Transfer Out account of the Economic Development Department's TIRZ 4 Fund and available funds within the PARD Dedication Fees Fund for the purpose of funding the Fire Station Park Expansion project.

Schedule – Construction services for Fire Station Park Expansion project began in July 2022. Amendment No.1 will extend the completion time of the whole project to March 2023.

Amendment No. 1 will have no impact on the Park & Recreation Department's annual operating budget when completed.

Business Equity Goal – The City's Business Equity goal on the Amendment No.1 of this CMAR project is 11%. Dean Construction is in compliance with the City's Business Equity Ordinance by committing to 11% Business Equity participation on this project.

Fire Station Park is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the TIRZ 4 Fund and the Park Planning District (PPD) 4.7-6 project within the PARD Dedication Fees Fund to support approval of the above recommendations; and upon adoption of the appropriation ordinances, funds will be available in the Fire Station Park Expansion project to support the execution of amendment No.1 to City Secretary Contract No. 57409. Prior to an expenditure being incurred, the Park & Recreation Department has the responsibility of verifying the availability of funds.

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