

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Engineering and Construction Management

**AGENDA DATE:** October 23, 2012

**CONTACT PERSON NAME AND PHONE NUMBER:** R. Alan Shubert, P.E., City Engineer (X4423)

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

That the City Manager be authorized to sign an Agreement For Preliminary Engineering Services by and between the City of El Paso and Union Pacific Railroad Company for preliminary engineering and preliminary approval of plans for the construction of the El Paso AAA Ballpark, for an amount not to exceed One Hundred Sixty Two Thousand Nine Hundred Seventy Five and No/00 Dollars (\$162,975.00); and that the City Engineer be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed Two Hundred Twelve Thousand Nine Hundred Seventy Five and No/00 Dollars (\$212,975.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

**BACKGROUND / DISCUSSION:**

Plans are being prepared to construct a AAA Minor League Ballpark at the current location of the El Paso City Hall described as #2, Civic Center Plaza, El Paso, TX 79901. The proposed work includes constructing the park, stadium seating, and associated facilities and amenities immediately adjacent to the Union Pacific depressed trainway between Santa Fe Street and Durango Street. The project also contemplated constructing pedestrian access facilities over the trainway, subject to Union Pacific approval and agreement. In connection with the project, this agreement is necessary for the Union Pacific Railroad to perform their diligence to review and approve the plans for the project adjacent and potentially over the Bataan trainway.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

\$162,975.00; 2013 City Hall Relocation and Baseball Stadium Capital Improvement Program

**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**



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(If Department Head Summary Form is initiated by Purchasing, client department should sign also)  
Information copy to appropriate Deputy City Manager

# RESOLUTION

## BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement For Preliminary Engineering Services by and between the City of El Paso and Union Pacific Railroad Company for preliminary engineering and preliminary approval of plans for the construction of the El Paso AAA Ballpark, for an amount not to exceed One Hundred Sixty Two Thousand Nine Hundred Seventy Five and No/00 Dollars (\$162,975.00); and that the City Engineer be authorized to approve up to \$50,000.00 in additional services, for a total contract amount not to exceed Two Hundred Twelve Thousand Nine Hundred Seventy Five and No/00 Dollars (\$212,975.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012.

CITY OF EL PASO:

\_\_\_\_\_  
John F. Cook,  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Cynthia Osborn  
Assistant City Attorney

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

*Dedicated to Outstanding Customer Service for a Better Community*

**S E R V I C E   S O L U T I O N S   S U C C E S S**



**ENGINEERING AND CONSTRUCTION  
MANAGEMENT DEPARTMENT**

September 25, 2012

**AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES  
AND SUBMITTAL OF EXHIBIT "A" FOR RAILROAD APPROVAL**

Union Pacific El Paso Trainway

Douglas Woods  
Senior Manager, Industry and Public Projects  
Union Pacific Railroad Company  
24125 Old Aldine Westfield Road  
Spring, TX 77373

Dear Mr. Woods:

Plans are being prepared to construct a AAA Minor League Ballpark at the current location of the El Paso City Hall described as #2, Civic Center Plaza, El Paso, TX 79901. The proposed work includes constructing the park, stadium seating, and associated facilities and amenities immediately adjacent to the Union Pacific depressed trainway between Santa Fe Street and Durango Street. The project also contemplates constructing pedestrian access facilities over the trainway, subject to Union Pacific approval and agreement. In connection with the project, the City considers it necessary for the successful advancement of the project for your company to collaborate in the development of the project by performing the following:

- preliminary engineering and other related services
- development of cost estimates
- review of the project's preliminary layouts
- submit current train and switching moves

The City of El Paso authorizes and agrees to reimburse the Railroad for its expenses and actual costs that are incurred for collaborating in the development of the project's preliminary engineering and other preliminary activities. The Railroad has estimated that these preliminary engineering and other preliminary costs will be \$162,975 as shown on Union Pacific's estimate and material force account work dated 9/24/2012,

**Mayor**  
John F. Cook

**City Council**

*District 1*  
Ann Morgan Lilly

*District 2*  
Susie Byrd

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Nee

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Cortney Carlisle Niland

**City Manager**  
Joyce A. Wilson

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**SERVICE SOLUTIONS SUCCESS**



marked as Exhibit "B". Payment will be made within thirty (30) days from the City's receipt and approval of the Railroad's request for reimbursement. Railroad will refer to City's project titled El Paso AAA Ballpark and forward Invoices to the City of El Paso, #2 Civic Center Plaza, 4<sup>th</sup> floor Engineering Dept., El Paso, TX 79901.

Additionally, attached for your company's review and approval is one (1) set of half-scale prints of the concept plans marked **Exhibit A**, which are the (5)% complete plans and show the basic features of the proposed project at the location referenced above. Please review and provide comment on the basic features of the **Exhibit A** as soon as possible. Also enclosed is one (1) set of photos of the project area.

The project may require the Railroad to incur costs for force account activities. Please prepare the railroad force account cost estimate for work activities to be provided by your company, as identified in **Exhibit A** and submit them as your earliest convenience so that they may be attached to the railroad generated Construction & Maintenance (C&M) agreement.

Please verify the number of current regular train (42/day) and switching movements (0) with a Maximum Speed of (20 mph) at this location as currently shown in our inventory records. This information will be used by the City's Contractor to obtain Railroad Protective Liability Insurance.

This agreement is intended to address Preliminary Engineering. It is understood by both parties that railroad may withhold its approval for any reason directly or indirectly related to safety or its operations, property issues or effect to its facilities. If the Project is approved, Union Pacific will continue to work with the City to develop Final Plans, Specifications and prepare Material and Cost Estimates for Railroad Construction Work associated with the project. It is also understood that if the project is constructed, if at all, at no cost to the railroad.

The City and the Railroad will enter into separate License, Right of Entry, Construction and Maintenance Agreements associated with the actual construction of the project if the project is accepted and approved by the railroad. The Agreements will be drafted by Union Pacific and forwarded to the City after the plans and cost estimates have been approved.

Please contact R. Alan Shubert, P.E., City Engineer at telephone number (915) 541-4428 or via email at [shubertar@elpasotexas.gov](mailto:shubertar@elpasotexas.gov) if you have any questions. Your assistance in this matter is appreciated.

**Mayor**  
John F. Cook

**City Council**

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**City Manager**  
Joyce A. Wilson

Dedicated to Outstanding Customer Service for a Better Community

**SERVICE SOLUTIONS SUCCESS**



Sincerely,

Joyce Wilson  
City Manager  
City of El Paso

**Mayor**  
John F. Cook

**City Council**

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Joyce A. Wilson

APPROVED AS TO FORM

Cynthia Osborn  
Assistant City Attorney  
City of El Paso

APPROVED AS TO CONTENT

R. Alan Shubert, P.E.  
City Engineer  
City of El Paso

UNION PACIFIC RAILROAD COMPANY

By \_\_\_\_\_ Date \_\_\_\_\_

Name and Title \_\_\_\_\_

Attachment(s)

cc: Steven Martchenke, UPRR  
Ivan Jaime, UPRR  
Jane Shang, COEP  
Jorge Diaz, ECM Intl.





# Agreement for Preliminary Engineering Services for Railroad Services



October 23, 2012



## ❖ Scope:

- ✓ AAA Minor League Baseball Ballpark
  - The proposed work would be immediately adjacent to the Union Pacific depressed trainway.
  
- ✓ Subject to Union Pacific approval and agreement, the project also contemplated constructing a pedestrian access facilities over the trainway.
  
- ✓ Agreement necessary for the Union Pacific Railroad to review and approve the plans for the project



## ❖ Funding Source:

- 2013 City Hall Relocation and Baseball Stadium Capital Improvement Program

## ❖ Contract Value:

- \$162,975. That the City Engineer be authorized to approve up to an additional \$50,000 in additional services. Total contract amount not to exceed \$212,975.



## ❖ The deliverables of the Agreement include:

- Preliminary Engineering and other related services
- Development of cost estimates
- Review of the project's preliminary layouts
- Submit current train and switching moves



# ***Questions/Comments***