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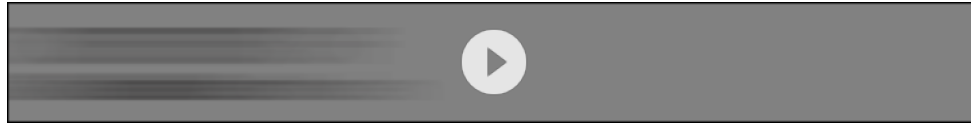


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Marty Toohy AMERICAN-STATESMAN STAFF



North Austin bike trail unbuilt two years after getting stimulus grant

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12:26 a.m. Monday, Aug. 1, 2011 | Filed in: Local

Shovel ready, it turns out, doesn't always mean shovel ready.

In the first year of the Obama administration, the federal government awarded Austin a \$1.9 million stimulus grant for a project the city called "shovel ready": a 3.2-mile concrete bicycle trail along the northern portion of Walnut Creek in North Austin. More than two years later, there is only a clear-cut, 20-foot-wide swath, along with some partially buried metal rods and concrete along the creek.

Work has stopped and will not resume anytime soon. The city, after fearing it would lose the federal money, is starting over. Oversight of the project has been moved to a different city department. And city officials terminated the project's landscape architecture firm and construction company, which have been paid more than \$1 million combined for plans that are being abandoned and construction work that might have to be redone.

Lawyers for the two firms and the city disagree about who was at fault, who should have been paid and how much.

City employees, in emails to one another, have called the project "troubled," an "embarrassment to the city" and a "typical (City of Austin) problem."

The completion date is now tentatively May 2013. That is four years after city and state officials deemed the project "shovel ready" and therefore eligible for stimulus money.

"We are extraordinarily disappointed with what's been happening," said Javier Bonafont, president of the Walnut Crossing Neighborhood Association, which oversees an area west of MoPac Boulevard (Loop 1) and north of Duval Road. "That path is supposed to provide us safe access across MoPac and to places like Austin Community College. Now it's just a scar along the back of people's properties.

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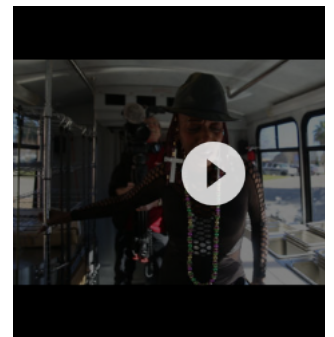
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Starts and stops

In January 2002, the City Council authorized hiring Austin landscape architecture firm Larson, Burns and Smith (then called Larson/Burns) to design the trail. It was to be the northern spur of a 12.5-mile trail network. The city planned to pay for the design; construction was supposed to be funded through federal transportation grants. But after funding cuts, those grants never arrived.

The city's Parks and Recreation Department gave neighbors periodic updates, and the project "seemed like it was always just around the corner from starting," Bonafont said.

After languishing for years, the trail suddenly seemed ready for the fast track. On July 1, 2009, then-project manager Chris Dry wrote to other city employees that the Texas Department of Transportation had deemed the trail eligible for funding from the American Recovery and Reinvestment Act.

But to get that money, the city would have to put together a bid package for construction in less than a month.

"I know this is short notice but the federal requirements were just communicated to me today," Dry wrote.

The city successfully pursued stimulus grants for several projects. Most have proceeded smoothly, including a \$31 million upgrade to the Hornsby Bend sewage treatment plant, which is also an environmental research facility and bird-watching sanctuary.

In October 2009, three months after the federal government deemed Walnut Creek Trail's northern spur eligible for the \$1.9 million in stimulus money, the city selected Pflugerville-based Westar Construction Inc. to build it. Work started in May 2010. The contract called for work to be completed one year later, on May 24, 2011. But the project soon hit a snag.

Case of missing trees

City rules require construction plans to show the location of trees with a circumference of at least 8 inches so the city can determine whether simple changes could spare those slated to be cut down. The original Walnut Creek trail plans drawn by Larson, Burns and Smith identified 79 such trees along the 3.2 miles.

But city environmental officer Walter Brown found that many more trees should have been marked on the plans. Later city emails reveal that at least 400 were missing from the plans, including "heritage trees," large trees that enjoy extra protections in city code and cannot be removed without a special permit.

After some initial work, Westar managers said so much of the project was effectively off-limits because of tree omissions from the plans that little work could be done until the city did additional tree studies.

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The job was further complicated because the city had allowed agreements to expire that permitted work crews to access construction areas by crossing properties owned by Austin Community College and the Barrington Apartments.

According to internal correspondence, city officials were raising a range of issues.

"This project is (a) typical (City of Austin) problem," Sylvia Pope, a city hydrologist, wrote in October to other city environmental officials. Her summary: "Low budget and ignore environmental issues during design then come back later and ask for changes. Or, (the real estate acquisition department) may not be able to secure (right-of-way) acquisition."

Alarms sounded

In early January, Brown sent an email to superiors warning that the plans were still "vague and lacking essential components and (we) should probably have the review staff take another look at everything."

By April, with work still stalled, city officials decided to move oversight of the project from the Parks and Recreation Department to the Public Works Department.

City emails depicted a project in disarray:

- Tim Weight, a construction engineer for the Texas Department of Transportation, wrote to city officials on April 8: "This job has (stimulus) dollars in it which means that it was supposed to be 'shovel ready.' ... The feds are getting fed-up, no pun intended, and they are about to pull their funding unless we get the train back on the tracks."
- Later that day, Howard Lazarus, the city's director of public works, wrote to parks director Sara Hensley: "It is time to sound the alarm. (The parks department) risks losing all of its federal funding on this project, at great embarrassment to the city."
- Under older city policies, oversight of a major project sometimes fell to departments most closely associated with that project's function — hence, the Parks and Recreation Department was managing construction of a recreational trail. But a 2009 consultant determined that most big construction projects should be administered by Public Works. On April 8, Hensley wrote an email to several parks department staffers: "I want to know why we have not moved on handing this over. I am really frustrated."
- Weight wrote later that day that the city "understands that they have some culpability in this deal. Their plans were less than adequate ... right-of-way availability was behind schedule ... public works has taken over the project in an attempt to salvage it."
- On May 9, new project manager Richard Duane wrote to other city employees involved in the project, "Plans are (still) unclear and incorrect after numerous revisions."

Money already spent

The City Council's first approval for the project was in 2002, when it OK'd paying

\$343,363 to Larson, Burns and Smith. The first version of the plans was delivered in 2005, according to city records. In 2008, the council approved an additional \$184,000 to update the plans. Then in March 2010, the council approved up to \$416,420 more, some of which would go toward overseeing construction, and some of which would go to some other companies to help with aspects of the project.

To date, the city has paid Larson, Burns and Smith \$764,055.91 — "A pretty fantastic amount of our money for plans that are worthless," Bonafont said.

In June, the city terminated both the architect and the construction company and decided to start over. The city plans to solicit bids to design the trail anew later this year and open bidding for the construction next spring.

Hensley blames the companies hired by the city. She said that Westar refused simple instructions, such as on which end of the trail to start work, and that Larson, Burns and Smith drew up flawed plans.

"We had continuous problems with the contractor and the consultant," Hensley said. "When we hire professionals licensed by the state, we expect them to get things right."

Larson, Burns and Smith did not respond to phone calls, an email to the firm's general account, a note left at its West Avenue office and a knock on the door during business hours.

Westar owner Mark Williamson said the city was negligent in evaluating flawed plans and was unwilling to listen when he raised concerns.

He said that with the trees missing from the plans, the expired trail access agreements and other problems, his crews were faced with too many obstacles.

"This was one problem after another," Williamson said. "At one point, they even told us to get out to the site and look busy so they wouldn't risk losing the funding. We don't run into these problems when we work for other cities."

Next steps

The city is seeking to recoup the \$760,000-plus it paid Larson, Burns and Smith, according to Howard Lazarus, the public works director. The city paid Westar \$329,000, but it will not ask for the money back.

The \$1.9 million in stimulus money has not been spent and remains set aside for the project, Lazarus said.

Westar "was terminated without cause," Lazarus said. "That doesn't reflect poorly on them at all. We've paid them what we think is fair and reasonable, and they may or may not be able to prove we owe them more."

The company says it's owed more and will file a claim when it has determined exactly how much.

Asked how the city would keep such problems from arising again, Lazarus said that

Public Works has established a quality-control unit to identify and fix such problems. More generally, he said: "This is what we do. We have an inherent experience at it. This will allow Parks to do what they do best: delivering programs and maintaining the city's parks."

Lazarus said the city plans to hire a new engineering firm in five months or so to redraw the plans, then a new contractor to build the trail. He said he expects construction to resume in May 2012 and finish in May 2013.

"We'll do everything we can to expedite this," he said. "We certainly don't want to raise false expectations among neighbors, though, because they've been let down before."

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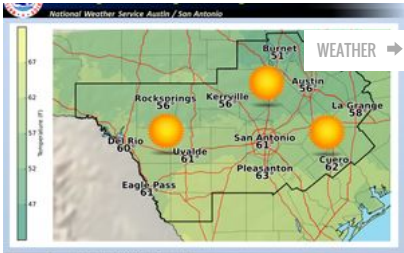


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