

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

CONSENT AGENDA
ITEM NO. **13**

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Andrew Martin, Louis A. Lendman, Milo D. Nitschke, and file

SUBJECT: Thousand Oaks Intersection Project

DATE: May 1, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance amends a professional service contract and authorizes an additional \$2,300.00 from 1999 General Obligation Street Improvement Bonds, payable to Bury + Partners-SA, Inc., a non-MBE firm, for engineering services in connection with the Thousand Oaks Intersection Metropolitan Planning Organization project located in Council Districts 9 and 10.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance requests additional compensation to Bury + Partners-SA, Inc. for professional engineering service to prepare a Geological Assessment which constitutes a required element of the Water Pollution Abatement Plan that must be approved by the Texas Commission on Environmental Quality (TCEQ) to allow project construction within the Edwards Aquifer Recharge Zone.

The Thousand Oaks Intersection project provides for the reconstruction of four-lane intersections on Thousand Oaks between US 281 and Jones Maltsberger to provide left and/or right turn lanes for the following 5 intersections:

- 1) Broken Oak (right/left turn lanes)
- 2) Ledge View (left turn lane)
- 3) Turkey Point (left turn lane)
- 4) Pebble Forest (left turn lane)
- 5) Oak Leigh (left turn lane)

This project is currently under final design and is scheduled to advertise for construction in August 2003, begin construction in November 2003, and be completed by July 2004.

This professional service contract was originally approved by City Ordinance No. 88171 on July 30, 1998, and initially authorized \$90,400.00 for services related to this project. Subsequent City Council action authorized additional funds in the total amount of \$16,350.00 and brought the total contract value to \$106,750.00. This City Council action will increase the total, to date, authorized for this professional service contract to \$109,050.00.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1999 General Obligation Street Improvement Bond funded Metropolitan Planning Organization Capital Improvements Projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and included in the Capital Improvement Program Budget. Funds in the amount of \$2,300.00 are available from 1999 General Obligation Street Improvement Bonds and authorized payable to Bury + Partners-SA, Inc.

The total estimated cost of this project is \$1,289,959.00. As part of the implementation of Metropolitan Planning Organization Surface Transportation Program projects, it is the City's responsibility to fund engineering, right of way acquisition, and twenty percent (20%) of construction cost. This item represents a portion of a total estimated City project cost of \$450,989.00.

COORDINATION

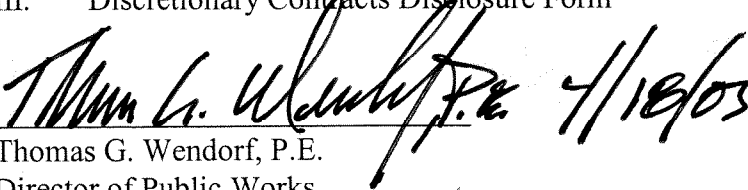
This request for ordinance has been coordinated with the Office of Management and Budget, Finance Department, and the Texas Department of Transportation.

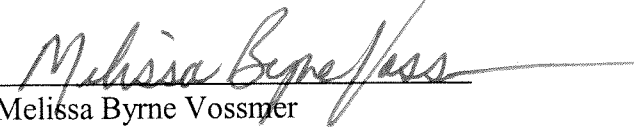
SUPPLEMENTARY COMMENTS

The Discretionary Contracts Disclosure form required by the Ethics Ordinance is attached.

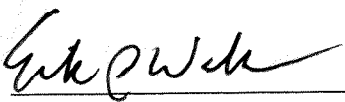
ATTACHMENT

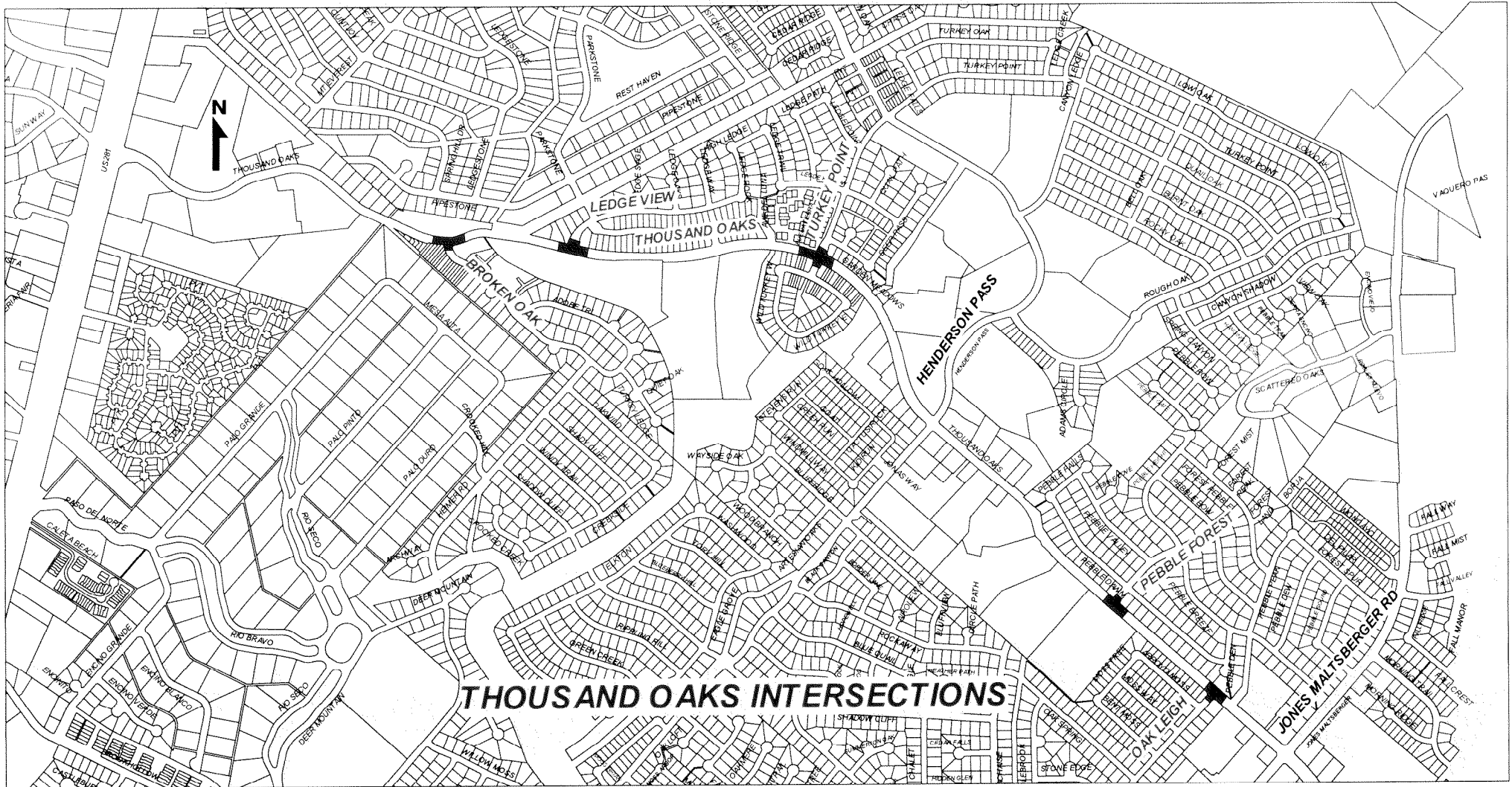
- I. Project Map
- II. Bury + Partners-SA, Inc. Letter, dated February 11, 2003
- III. Discretionary Contracts Disclosure Form


Thomas G. Wendorf, P.E.
Director of Public Works


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager





Bury+Partners

R06
Bury+Partners-SA, Inc.
Consulting Engineers/Surveyors
10000 San Pedro Avenue/Suite 100
San Antonio, Texas 78216
Tel 210/525-9090
Fax 210/525-0529
www.burypartners.com

RECEIVED

FEB 25 2003

CITY OF SAN ANTONIO
PUBLIC WORKS, CAPITAL PROGRAMS

Principals

Larry G. Heimer, P.E.
Mark R. Johnson, P.E.
Paul J. Bury, III, P.E.
Gregory S. Strmiska, P.E.
James B. Knight, P.E.

Associates

Steven D. Eklund, P.E.
William O. Schock, P.E.

February 11, 2003
(Revised February 20, 2003)

Mr. Jim Clements, P.E.
City of San Antonio
P.O. Box 83996
San Antonio, TX 78283-3966

Fax No. 210/207-7196
50029-002 CSF#6 Rev. 1

Re: Change in Scope & Fees
MPO FY 2000, Thousand Oaks
San Antonio, Texas

Dear Mr. Clements:

Based on your verbal authorization, Bury+Partners-SA, Inc. has proceeded with the change in scope for the referenced project. The work is in addition to the basic services covered by our existing Professional Services Agreement.

DESCRIPTION OF CHANGE IN SCOPE/FEE

<u>ITEM</u>	<u>FEE BASIS</u>	<u>BPI Fee</u>	<u>BPI Phase</u>
Revise WPAP - Geological Assessment	Lump Sum	\$2,300	.62

Subcontract a Geological Assessment report for the entire project area. This report will not determine the existence of endangered species or their habitat within the limits of the project. The report will then be inserted into the current WPAP. No modifications to the current WPAP based on the results of the Geological Assessment are included.

Based upon our understanding of your needs, the fee for this service is \$2,300. This service will be performed on a lump sum basis as an additional service in accordance with our Professional Services Agreement and will be billed to Bury+Partners-SA, Inc. project number 50029-002.

Bury+Partners

Mr. Jim Clements, P.E.
February 11, 2003
(Revised February 20, 2003)
Page 2

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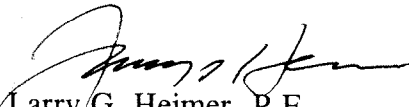
FEB 25 2003

CITY OF SAN ANTONIO
PUBLIC WORKS CAPITAL PROGRAMS

Bury+Partners-SA, Inc. has proceeded with the work based on your verbal authorization in order to minimize any delay of the project. Please acknowledge your agreement by signing in the space provided below and return a copy to our office.

Should you have any questions or require additional information upon your review of this proposal, please do not hesitate to call.

Sincerely,


Larry G. Heimer, P.E.
Managing Principal

CHANGE IN SCOPE/FEES AUTHORIZED
City of San Antonio

Jim Clements, P.E.

Date

City of San Antonio

Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

N/A

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

Bury+Partners-SA, Inc.

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

1. David C. Steitle, P.E., Consulting Traffic Engineer
2. S.M. Galindo Engineers, Inc., Engineers-Surveyors

and the name of:

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

Bury+Partners, Inc.

(3) the identity of any **lobbyist** or **public relations firm** employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

City of San Antonio

Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2

Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply.

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Political Contributions


Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
Carroll W. Schubert Campaign	\$250.00	8/2/02
Ed Garza Campaign	\$100.00	5/9/02
San Antonio City Councilwoman Toni Moorhouse	\$250.00	3/5/02
Friends for Nelson Wolff	\$250.00	10/29/01
Carroll Schubert Campaign	\$250.00	3/27/01
Ed Garza Campaign	\$250.00	3/15/01
Bannwolf for Mayor Committee	\$250.00	11/28/00

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

No known facts.

Signature:  Larry G. Heimer	Title: Managing Principal Company: Bury+Partners-SA, Inc.	Date: November 14, 2002
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² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.