

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

CONSENT AGENDA
ITEM NO. 9

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: McCullough from Union Pacific Railroad Tracks to Basse

DATE: January 15, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance amends a professional service contract and authorizes funds in the amount of \$11,103.00 payable to Carter & Burgess, Inc., a non-MBE firm, for additional professional services in connection with the McCullough from Union Pacific Railroad Tracks to Basse project, an authorized 1999 General Obligation Street Improvement Bond and Metropolitan Planning Organization (MPO) project located in Council District 1.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance will amend the professional services agreement and authorize the payment of funds in the amount of \$11,103.00 to Carter & Burgess, Inc. for additional professional engineering services for the realignment of the storm sewer system in connection with the McCullough from Union Pacific Railroad Tracks to Basse Project. The determination to re-align the storm sewer system is the result of coordination between the City and City Public Service regarding the project's impact on existing CPS substations and underground duct banks. The realignment of the storm sewer system will prevent the anticipated 18 to 24 month delay that would result from the necessary utility planning, design and construction prior to the street and drainage project commencement.

Project construction is anticipated to begin in March 2005 and will include the reconstruction of the existing 2-lane roadway and the addition of a center turn lane with curbs, drainage improvements, sidewalks, bicycle accommodations and driveway approaches as needed. Project completion is anticipated in September 2006.

This professional service contract was originally approved by City Ordinance No. 91752 on May 11, 2000 and initially authorized \$174,090.00 for services related to this project. Subsequent Council action increased this contract amount to \$194,281.00. This ordinance will increase the total authorized for this agreement to \$205,384.00.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1999 General Obligation Street Improvement Bond and MPO projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and is included in the FY 04-09 Capital Improvement Program Budget. Funds in the amount of \$11,103.00 are available from 1987 General Obligation Drainage Improvement Bond funds and are authorized payable to Carter Burgess, Inc. for engineering expenses.

COORDINATION

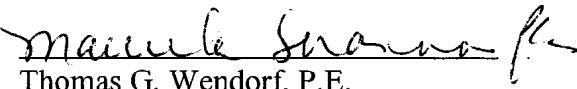
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

SUPPLEMENTARY COMMENTS

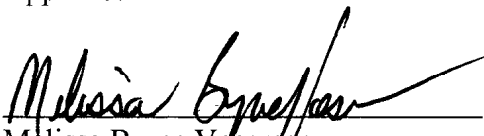
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

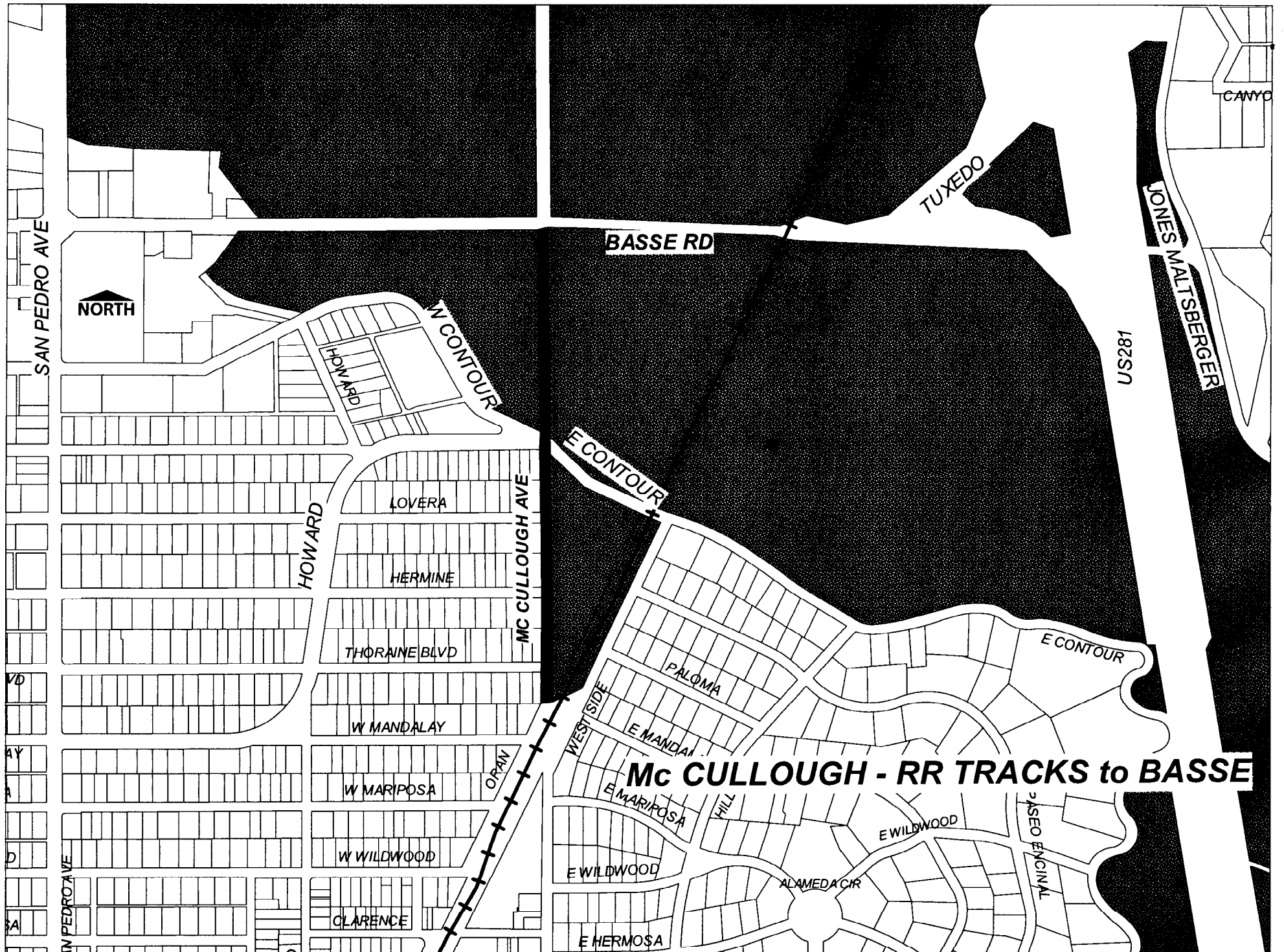
1. Project Map
2. Letter from Carter & Burgess, Inc. (with Attachments)
3. Discretionary Contracts Disclosure Form


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

Approved:


Melissa Byrne Vossmer
Assistant City Manager


Terry M. Brechtel
City Manager



Mc CULLOUGH - RR TRACKS to BASSE

CarterBurgess

911 Central Parkway North, Suite 425
San Antonio, Texas 78232-5065
Phone: 210.494.0088
Fax: 210.494.4525
www.c-b.com

December 5, 2003

Mr. Jim Clements, P.E.
Capital Projects Management Division
P.O. Box 839966-3966
San Antonio, TX 78283-3966

Re: McCullough Avenue from RR tracks to Basse Rd

Dear Jim:

Per your request we are attaching the Discretionary Contracts Disclosure form and the attachment A for the additional fee to correct the 90% plans to accommodate the CPS vault in the roadway.

If you have any questions or need additional information, please call me at (210) 494-0088. I look forward to meeting with you to continue the project.

Sincerely,



Patricia Ramirez, P.E.
Transportation Unit Manager

Attachments a/s

November 11, 2003

**ATTACHMENT A
CARTER & BURGESS**

BREAKDOWN OF COSTS FOR PROFESSIONAL SERVICES FOR McCULLOUGH AVE (UTILITY CONFLICTS W/CPS)
McCullough & Basse Road

[illegible]

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;

S. Brad Davis, P.E. - Principal/Vice President
Carter & Burgess, Inc.

(2) the identity of any business entity that would be a party to the discretionary contract:
Carter & Burgess, Inc. an
d the name of:

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

(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;

N/A

(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

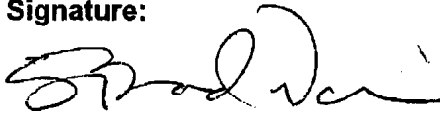
Political Contributions

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: |
|-----------------------|---------|-----------------------|
| Please See Attachment | | |

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 question¹ 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.

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| | | |
| Signature:  | Title: Principal/Vice President Company: Carter & Burgess, Inc. | Date: 12/5/03 |

¹ 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.

| <u>To Whom Made:</u> | <u>Amount:</u> | <u>Date of Contribution:</u> |
|-----------------------------|----------------|------------------------------|
| Mayor Ed Garza | \$500.00 | April 21, 2003 |
| Councilman Enrique Barrera | \$500.00 | April 21, 2003 |
| Councilman Jullan Castro | \$500.00 | April 21, 2003 |
| Councilman Carroll Schubert | \$500.00 | April 21, 2003 |
| Councilwoman Moorehouse | \$750.00 | April 21, 2003 |
| Roger Flores, Jr. | \$500.00 | May 1, 2003 |
| David Carpenter | \$1000.00 | March 27, 2002 |
| David Garcia | \$500.00 | June 4, 2002 |
| Toni Moorehouse | \$500.00 | June 10, 2002 |
| Enrique Barrera | \$500.00 | July 17, 2002 |
| Ed Garza | \$150.00 | August 11, 2002 |