

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

CONSENT AGENDA
ITEM NO. 12

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; Andrew W. Cameron; Milo D. Nitschke; and file

SUBJECT: Fulton Street - Blanco to N. Flores

DATE: February 5, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance amends a professional service contract in the amount of \$9,430.00 payable to artist Twyla Arthur, for additional design services in connection with the Fulton Street - Blanco to N. Flores Project, an authorized Community Development Block Grant (CDBG) funded project located in Council District 1.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance will amend the professional services agreement for this project and provide additional compensation to artist Twyla Arthur for the fabrication and installation of design enhancements integrated into the Fulton Avenue Street Reconstruction Project. The original design and estimate provided for a 250 foot retaining wall; however, the wall length was increased to 350 feet in length to aesthetically coordinate the retaining wall design with the ADA accessible sidewalk and turn-around, and as a result, an additional 410 square feet of enhancements were required to complete the increased surface area. The original estimate for the retaining wall enhancements was calculated based on the rate of \$23.26/sq. ft., the cost of \$9,430.00 for the additional work authorized by this ordinance was calculated at \$23.00/sq. ft.

The retaining wall enhancement features slate stone with mosaic areas that incorporate small items collected through neighborhood collaboration, such as rocks, glass, fossils and ceramic tile pieces. The top of the wall has been done in quartzite, and the top edge of the wall is outlined with black Mexican beach pebbles. In addition, there are two, four-sided columns, approximately nine feet tall by ten feet in diameter. These are also clad with the Mexican Beach Pebbles.

A mural has also been painted on both sides of Fulton Street railroad underpass. The design includes flowering vines that become more lush and abundant as they come out onto the wing walls of the underpass into daylight.

The terms and conditions of the contract with the artist Twyla Arthur were approved by City Council on May 20, 1999 through Ordinance Number 89781 for the creation and visual rendering of design enhancements and initially authorized \$3,750.00 for services related to this project. Ordinance number

97830 on June 26, 2003 authorized an amendment to the contract in the amount of \$31,000.00 to provide for the installation and fabrication of the design enhancement features. This ordinance will increase the total authorized for this project to \$44,180.00.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved Community Development Block Grant funded projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and not included in the FY 04-09 Capital Improvement Program Budget. Funds in the amount of \$9,430.00 are available from CDBG funds and are authorized payable to Twyla Arthur.

COORDINATION

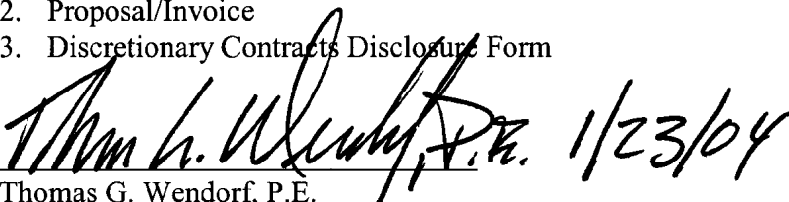
This request for ordinance has been coordinated with the Office of Management and Budget, Housing and Community Development and the Finance Department.

SUPPLEMENTARY COMMENTS

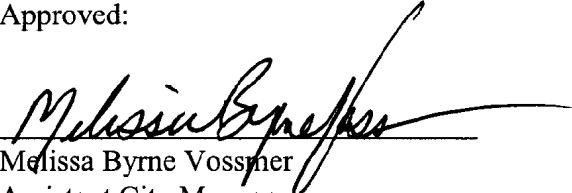
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

1. Project Map
2. Proposal/Invoice
3. Discretionary Contracts Disclosure Form

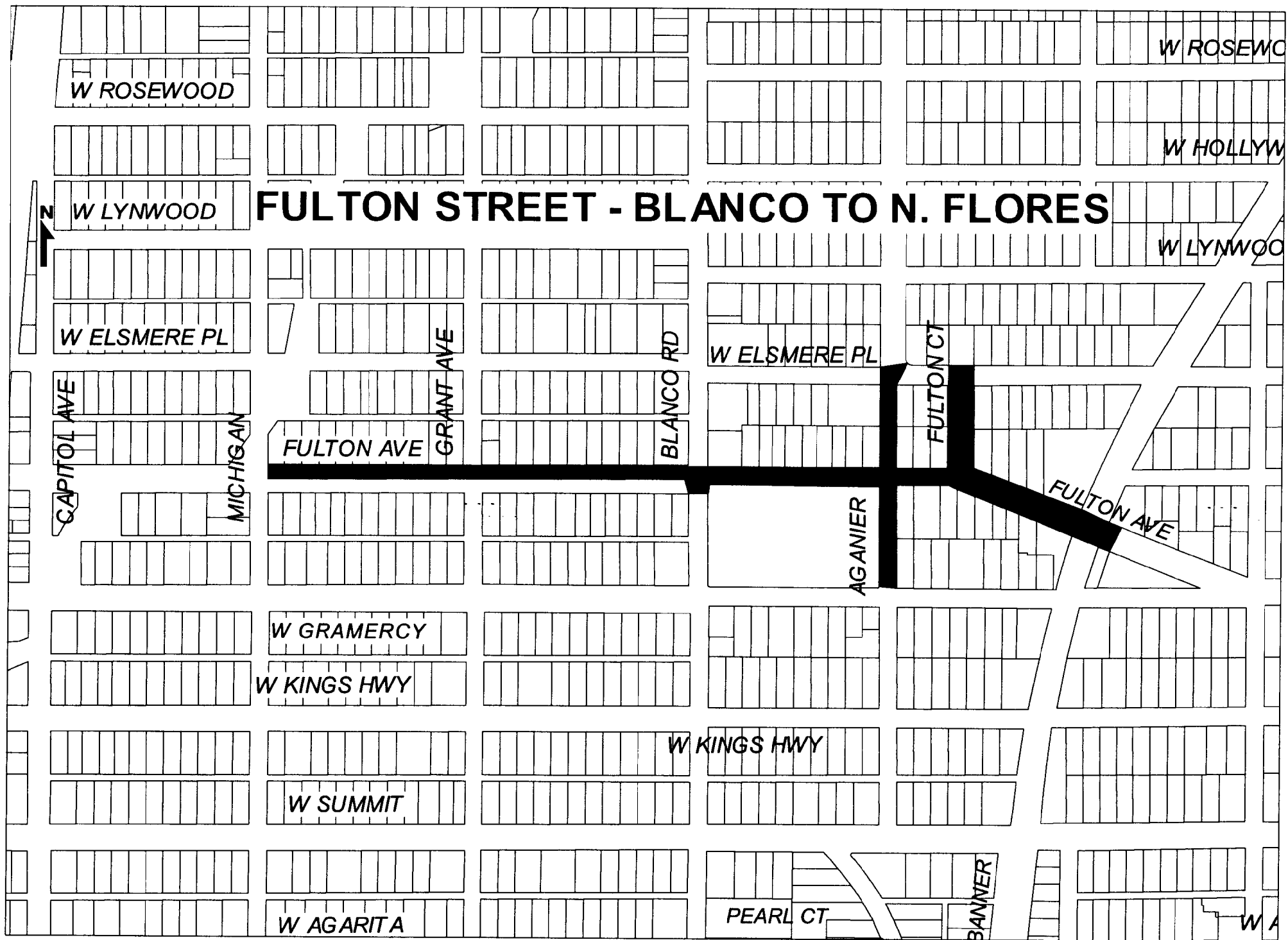

Thomas G. Wendorf, P.E.
Director of Public Works

Approved:


Melissa Byrne Vossmer
Assistant City Manager


Terry M. Brechtel
City Manager

FULTON STREET - BLANCO TO N. FLORES



TWYLA ARTHUR

November 24, 2003

James LeFlore
Public Art & Design Enhancement Coordinator
Public Works Department
P.O. Box 839966
San Antonio, TX 78283-3966

Fulton Street: Blanco to N. Flores

Request for review of payment compensation in view of increased
scope of work on retaining wall since completion of the design phase.

My last communications from Alamo Engineering show the wall at a
maximum height of 36" and a length of 250' (105' on one side of the
railroad underpass and 145' on the other side).

Today, the wall measures 350' in length. That is an added 100 linear
feet.

Additional wall surface360 sq. ft.

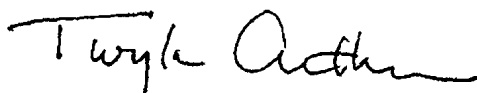
Additional top surface.....50 sq. ft.

Total add. wall surface.....410 sq. ft.

Sq. ft. cost of retaining wall.....\$23

(average cost since mosaic details and rock borders are more
expensive than background wall surfaces).

Total additional payment compensation requested.....\$9,430


Twyla Arthur

01/21/2004 11:39 210-207-4418

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PAGE 01/02

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:

Twyla Arthur

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

Twyla Arthur

and the name of:

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

None

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;

None

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.

01/21/2004 11:39 210-207-4418

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PAGE 02/02

(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

none

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:**

none

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.

none

Signature:

Twyla Arthur

Title:

Artist / Sde proprietor

Company:

Twyla Arthur

Date:

1/20/04

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.