

**CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council
FROM: Malcolm Matthews, Director, Parks and Recreation Department
SUBJECT: Southside Lions Park (East) Park Playground
DATE: February 3, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes payment to C. F. Zavala Group, a SBE/WBE/MBE firm, in the amount of \$28,190.00 for landscape architectural services in connection with the new Southside Lions Park (East) Park Playground Project in City Council District 3; authorizes appropriations of \$40,190.00 from CDBG funds; authorizes the encumbrance of funds for architectural contingency of \$2,800.00, bid advertising and printing of \$1,500.00, and mandatory project fees of \$7,700.00.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Community Development Block Grant (CDBG) funds of \$237,000.00 have been approved for development of a park playground and modular skate park on the eastern section of Southside Lions Park located at 3100 Hiawatha in City Council District 3.

This ordinance will hire an architectural firm for professional landscape services to design the new improvements. The plan design and construction documents will be prepared by C. F. Zavala Group and the firm will provide construction administration services. The consultant is one of three on-call professional landscape architectural firms selected through Ordinance 98075 on August 28, 2003. This is the second project assigned to C. F. Zavala Group under the on-call contract. With this action, the firm's total consultant fees to date will be \$43,840.00.

It is anticipated that the design phase of the project will begin in February 2005 and will be completed in May 2005. Construction is anticipated to occur from October 2005 through April 2006.

POLICY ANALYSIS

The consultant was chosen in accordance with all of the City's consultant selection procedures and approved by Ordinance 98075 on August 28, 2003.

FISCAL IMPACT

It is anticipated that the total cost to complete the design phase of this project will be \$40,190.00. This amount will be allocated from the 30th Year CDBG funds. Landscape architectural fees are \$28,190.00, landscape architectural contingency fees are \$2,800.00, bid advertising and printing fees are \$1,500.00, and mandatory project fees are \$7,700.00.

COORDINATION

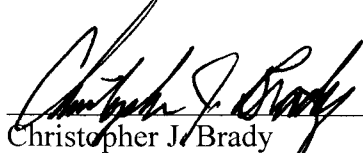
This action has been coordinated with the Housing and Community Development Department and Finance Department.

SUPPLEMENTARY COMMENTS


Discretionary Contract Disclosure Form is attached from the C. F. Zavala Group.



Malcolm Matthews
Director of Parks and Recreation



Christopher J. Brady
Assistant City Manager



J. Rolando Bono
Interim City Manager

ATTACHMENT 4

City of San Antonio Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics code, Part D, Section 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;

Cullen P. Coltrane; Albert B. Fernandez, Jr.; Leticia A. Zavala

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

C•F•Zavala Group

and the name of:

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

N/A

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;

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

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.


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:
N/A		

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.

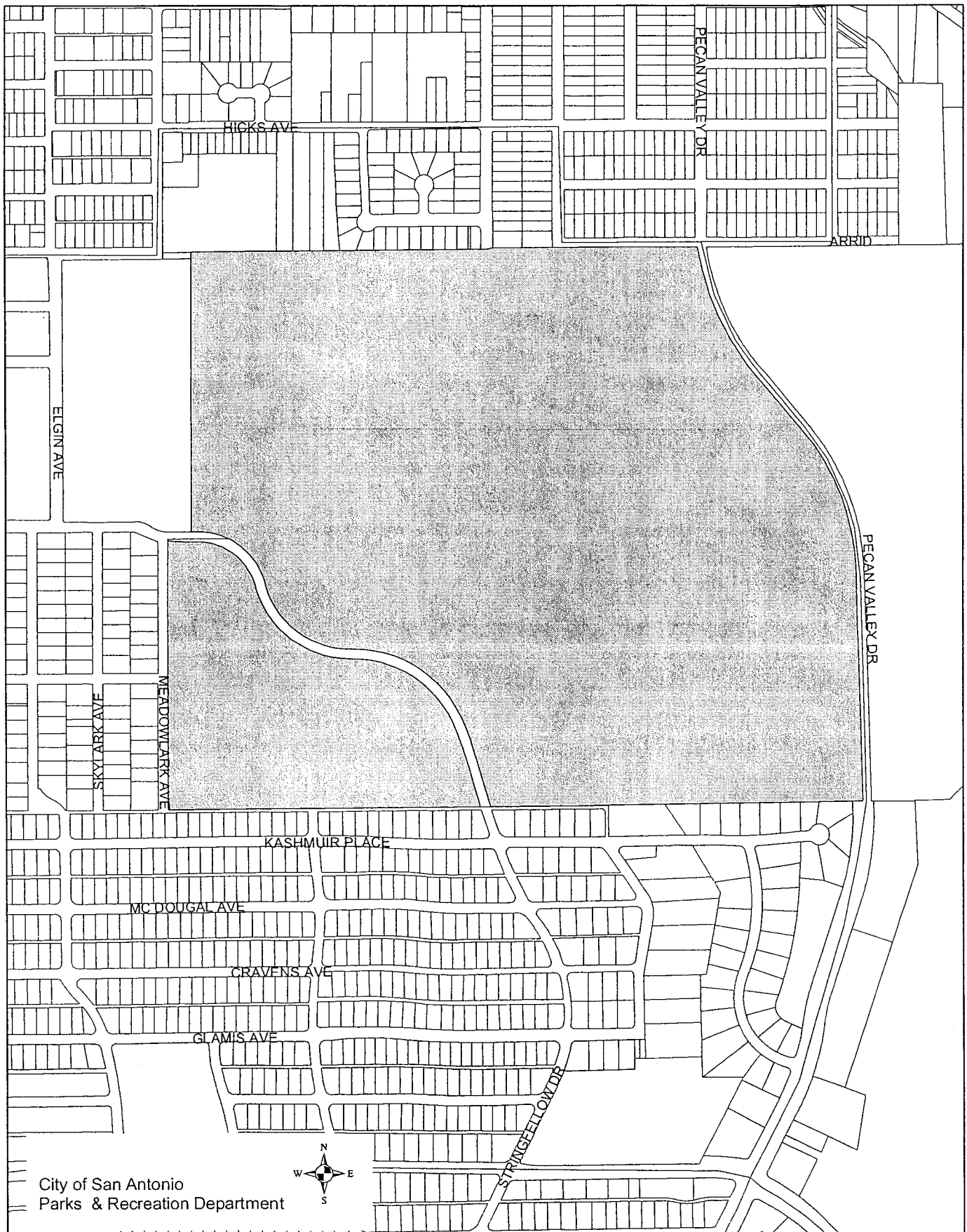
Signature:  Cullen P. Coltrane	Title: Partner Company: C•F•Zavala Group	Date: 1-14-2005

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.

City of San Antonio
Parks and Recreation Department

Site Map

Southside Lions Park



C.F. ZAVALA GROUP

Landscape Architecture & Planning

11824 RADIUM • SAN ANTONIO, TX 78216 • (210) 366-1911 • Fax: (210) 366-0376

December 29, 2004

Mr. Jeff Wurzbach
City of San Antonio Parks and Recreation
506 Dolorosa
San Antonio, TX 78207

Re: Southside Lions Park Playground & Skate Park

Dear Mr. Wurzbach:

C.F. Zavala Group (CFZ) is pleased to provide this proposal for professional landscape design services for the Southside Lions Park, San Antonio, Texas. Reference to City of San Antonio Parks and Recreation will be "Client." We propose to develop the landscaping and irrigation scope of work into the following phases: 1) Schematic/Design Development, 2) Construction Documents, 3) Bidding and, 4) Construction Administration.

SCOPE OF SERVICES

1.) Schematic/Design Development

- A. Upon the notice to proceed, CFZ will review the supplied site and tree survey and perform an on-site field observation to become familiar with the site. The site survey will require the following minimum information:
1. Location, name, condition and size of existing trees 6" or greater.
 2. Location of major understory tree stands.
 3. Boundary and topography information.
 4. Existing site utility locations (electrical, water tap, water main, etc.).
- B. Based on the initial field observation and review of the site survey, CFZ will provide plan with playground, shade structure & skate park elements as well as walkways additional parking, area lighting and drinking fountain and will meet ADA standards. In addition CFZ will review the City of San Antonio landscape ordinance and develop the schematic design drawing to meet such standards. Documents and services will include:
1. Completion of a conceptual design for the site development to encompass the recreational and infrastructure elements required. Prepare associated graphics to convey the design intent.
 2. Completion of a conceptual design for the site development to encompass the landscape elements required. Prepare associated graphics to convey the design intent.
- C. Public presentations of the conceptual design as deemed necessary by SAPAR.
- D. Preparation of a probable cost of construction to establish a landscape budget. The statement of probable construction cost of the Project represents our best judgment of the probable construction costs as a design professional. It is recognized, however, that we do not have control over the cost of labor, materials, equipment or accessories, over a contractor's methods of determining bid prices, or over competitive bidding, market or negotiating conditions. Accordingly, we cannot and do not warrant or represent that bids or negotiated prices will not vary from any Project budget which may have been proposed, established or approved by the Client or other cost estimate or evaluation prepared by our firm.

2.) Construction Documents

Upon approval of schematic/design development plan, CFZ will:

- A. Order a soils testing report of the area with pavement analysis. Scope covers 4 holes at 10' depth. Should additional holes or depths further than 10' deep be required, these will be done at an additional cost.

Mr. Wurzbach
SAPAR
Southside Lions Park Playground & Skate Park

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- B. Prepare a hardscape plan with details and specifications for playground, skate park, shade structure walkways as well as additional parking, lighting and drinking fountain. Additional work shall include the following:
 - 1. Structural Engineer shall review and advise for Landscape Architectural drawings and prepare necessary specifications for skate park surface and playground as well as light pole footings.
 - 2. Electrical plan, details and specifications for 2 light standards at basketball court.
 - 3. Civil engineer shall prepare storm runoff study.
- C. Prepare a Tree Preservation and Landscape Plan to meet the City of San Antonio Landscape and Tree Ordinance. Information will include:
 - 1. Graphically locating trees to remain, remove, or relocate with corresponding notes and details.
 - 2. Legend indicating caliper of trees to remain, remove or relocate.
 - 3. Documenting landscape electives required to meet the City's Landscape and Tree Ordinance.
 - 4. Locating and identifying proposed plant materials.
 - 5. Preparing a plant list indicating plant quantities, sizes, botanical and common names.
 - 6. Developing planting notes, details and any special installation requirements.
 - 7. Preparing and submitting landscape specification to the project's manager for inclusion in the project manual.
 - 8. Preparing a tree affidavit.
- D. Prepare a Site Irrigation Plan to meet the City of San Antonio Landscape and Tree Ordinance. Information will include:
 - 1. Locating all irrigation components including, but not limited to: mainlines, valves, irrigation heads and controller(s).
 - 2. Preparing notes details and define any special installation requirements.
 - 3. Preparing and submitting site irrigation specifications to project's manager for inclusion in the project manual.
- E. Revision of the probable cost of construction will also be generated.

3) Bidding Negotiations

CFZ will submit plans and specifications to the Client to be included in the project's contract documents in preparation of advertising for bid. CFZ will provide assistance in the interpretation and clarification of the construction documents and preparation of addenda for prospective bidders. Upon receiving bids, CFZ will assist in reviewing landscape and irrigation bid tabs.

4) Construction Administration

- A. Once under construction, CFZ will provide on-site construction observations to ensure that the design intent is met. Field observations will be documented in writing on the progress of the landscape and irrigation construction. Observation reports will be generated and distributed to the Client. Structural and Lighting Engineers shall provide construction administration services for respective work.

EXCLUSIONS TO SCOPE OF SERVICES

- A. The following tasks are not included in CFZ's basic scope of services. However, if requested, such services will be considered as additional services to this proposal.
 - 1. Site and tree survey.
 - 2. Site Master Planning.
 - 3. Submitting or securing permits and/or variances.

SCHEDULE

Upon the acceptance of this proposal and receiving the requested information, we will begin work and complete the

Mr. Wurzbach
SAPAR
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scope of design services as required to meet the project's schedule.

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COMPENSATION

Compensation for the above mentioned services will be a fixed fee of \$35,890.00 (Thirty five thousand eight hundred and ninety dollars and no/100 cents) plus reimbursable expenses. Reimbursable expenses consist of travel, telephone, reproductions, postage and delivery, etc. shall be billable at a multiple of 1.10 in addition to our compensation.

Compensation will be invoiced in the following phases:

Electrical Engineering Services:

Construction Documents	\$ 2,916.00
Bid Negotiations	\$ 486.00
Site Visits	<u>\$ 1,458.00</u>
Sub-Total:	\$ 4,860.00

Structural Engineering Services:

Drawings and specifications	\$ 1,392.00
Bid Negotiations	\$ 232.00
Site Visits	<u>\$ 696.00</u>
Sub-Total:	\$ 2,320.00

Civil Engineering Services

Drawings and specifications	\$ 2,874.00
Bid Negotiations	\$ 479.00
Site Visits	<u>\$ 1,437.00</u>
Sub-Total:	\$ 4,790.00

Landscape Architectural Services:

Schematic/Design Development	\$ 5,677.00
Construction Documents	\$ 7,299.00
Bidding	\$ 811.00
Construction Administration	<u>\$ 2,433.00</u>
Sub-Total:	\$16,220.00

Sub-total Architectural and Engineering Fees: \$28,190.00

Services not included above and to be paid in full are as follows:

Storm Water Runoff Study

Civil Engineer	\$ 2,500.00
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Topographic Survey

Surveyor	\$ 2,700.00
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Soils Testing:

Boring of 2 holes (10' depth) and report	<u>\$ 2,500.00</u>
Sub-total of Fees for total services to be paid in full:	\$ 7,700.00

Total Architectural and Engineering Fees: \$35,890.00

ADDITIONAL SERVICES

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Services other than described in this proposal shall be considered additional services and will not be performed without prior written approval from the Client. Additional services will be billed at hourly basis or on a lump sum fee. Hourly billing rates are \$80.00 for principals, \$60.00 for registered landscape architects and \$45.00 for draftspersons and \$40.00 for secretarial/clerical.

BILLING

Billing for fees and reimbursable expenses shall be on a monthly basis with payments due within thirty (30) days of billing. Past due amounts shall incur a one percent (1%) per month charge on the unpaid balance.


LIMITATION OF LIABILITY

In recognition of the relative risks and benefits of the project to City of San Antonio Parks and Recreation and C.F. Zavala Group, the risks have been allocated such that City of San Antonio Parks and Recreation agrees, to the fullest extent permitted by law, to limit the liability of C.F. Zavala Group to City of San Antonio Parks and Recreation, for any and all losses, costs, damages, of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the C.F. Zavala Group to City of San Antonio Parks and Recreation shall not exceed C.F. Zavala Group's total fee for services rendered on this Project. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law. Also, C.F. Zavala Group will not be responsible for building permits, construction means, methods, techniques, sequences or procedures in connection with the contractors' work and will not be responsible for contractors' errors, omissions, or failure to carry out the work in accordance with the contract documents.

AGREEMENT

We propose that duplicate signed copies of this proposal serve as an agreement for these services.

Proposed by:


Albert B. Fernandez Jr., ASLA
Principal
C.F. Zavala Group

Accepted by:

Authorized Representative of
City of San Antonio Parks and Recreation

Date:

The Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite 107, Austin, Texas, 78758, telephone (512)458-4126, has jurisdiction over individuals licensed under the LANDSCAPE ARCHITECT'S Registration Law, Article 249c, Vernon's Texas Civil Statutes.

Irrigation in Texas is regulated by the Texas Natural Resource Conservation Commission, P. O. Box 13087, Austin, Texas 78711-3087.

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Attachment I

Southside Lions Park (East) Park Playground
Project 26-00256

<u>Description:</u>	<u>Current Budget:</u>	<u>Revisions:</u>	<u>Revised Budget:</u>
REVENUES:			
30th Year CDBG (\$237,000)	<u>\$0.00</u>	<u>\$40,190.00</u>	<u>\$40,190.00</u>
Total:	\$0.00	\$40,190.00	\$40,190.00
EXPENDITURES:			
26-00256-01-19-01 Architectural Design Fees	\$0.00	\$28,190.00	\$28,190.00
26-00256-01-19-02 Architectural Design Contingency	\$0.00	\$2,800.00	\$2,800.00
26-00256-01-10 Bid Advertising & Printing Fees	\$0.00	\$1,500.00	\$1,500.00
26-00256-05-08-01 Mandatory Project Fees	<u>\$0.00</u>	<u>\$7,700.00</u>	<u>\$7,700.00</u>
Total:	\$0.00	\$40,190.00	\$40,190.00