

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager
FROM: Thomas G. Wendorf, P.E., Director of Public Works
SUBJECT: Main Plaza Redevelopment
DATE: February 16, 2006

SUMMARY AND RECOMMENDATIONS

An Ordinance selecting Bender, Inc., dba Bender Wells Clark Design, a W/MBE, to provide architectural/engineering services in connection with the Main Plaza Redevelopment Project, located in District 1; appropriating funds and authorizing the negotiation and execution of a professional services agreement in an amount not to exceed \$862,000.00; authorizing \$30,000.00 for Project Contingency, \$64,440.00 for Capital Administrative Costs, and \$2,000.00 for Advertising Expenses, for a total amount of \$958,440.00; providing for an immediate effective date; and authorizing the negotiation of an interlocal joint funding agreement with Bexar County.

This ordinance provides for an immediate effective date, upon passage by eight (8) affirmative votes.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

The Main Plaza Redevelopment project provides for the development of a master plan and landscape design and construction plans and documents for the redevelopment of the Plaza de las Islas, the historical center of downtown, as a pedestrian plaza. This work will improve drainage, pedestrian accessibility, ADA accessibility for the disabled, and reinforce the historical nature of the plaza.

On December 6, 2005 the City released a Request for Qualification, which was posted on the City's website. Additionally, Public Works staff notified approximately 400 firms, currently on its distribution list, of the release of the RFQ. A Pre-Submission conference was held on December 16, 2005 at the Municipal Plaza Building, which was attended by interested firms and potential subcontractors. On January 4, 2006 the RFQ closed and responses were received from the following three (3) firms:

Bender Inc. dba/Bender Wells Clark Design
Beaty & Partners Architects, Inc.
The Broussard Group Inc. dba/TBG Partners

The Public Works Architectural and Engineering (A/E) Selection Committee, which included representatives from the Downtown Alliance, the Parks and Recreation Department, the Department of Asset Management and the Public Works Department, convened on January 13, 2006 to review and evaluate the three submittals. After careful consideration, the Committee

selected Bender Inc. dba/Bender Wells Clark Design, which was the firm that received the highest technical points and the most SBEDA points. The Statement of Interest Review Summary is included herein as Attachment 2.

This ordinance authorizes compensation in the amount of \$862,000.00 to Bender Wells Clark Design, for professional engineering basic services, which includes feasibility studies, surveying, design, cost estimates, preparation of plans and bid documents, and bid and construction phase services. These professional services will include, but are not limited to; site master planning and administration through project construction, constructability review, site design of the areas associated with the re-development of Main Plaza, and site drainage improvements for the entire plaza area. Professional services will also include detailed design of all hardscape, traffic and signal revisions, lighting, fountains, irrigation, planting, outdoor structures and furniture elements of the project to include consideration of other pedestrian and traffic-related site design elements beyond the plaza area. This ordinance also authorizes \$30,000.00 for project contingency, \$64,440.00 for capital administrative costs.

Bexar County will fund a portion of the Main Plaza Redevelopment Project. An Interlocal agreement defining the terms of their contribution is being negotiated and will be brought to City Council for consideration within the next 60 days.

The project will be performed on an extremely aggressive schedule that will require a high degree of staff cooperation across the City organizations. A Notice-to-Proceed for design services will be provided to Bender Wells Clark Design the day after approval by City Council in order to assist in facilitating the design completion date of July 2006. Construction on this project is scheduled to begin in September 2006 and to be substantially completed by July 2007. This schedule is dependent upon favorable weather conditions; material availability, utility company responsiveness and positive action on other factors that are beyond city staff's control. An early phase of infrastructure utility, traffic and drainage construction may be developed to commence before the main plaza work, which is necessary to assist in determining the ultimate plan for architectural improvements. This action will ensure that the \$10 million project cap for the redevelopment of the main plaza is not exceeded.

The compressed design schedule and complexity of the project has resulted in a need for accelerated design production and added sub-consultants, such as on-call archaeologist, meeting facilitator and historian. Public Works staff has coordinated with the Department of Contract Services and plans to use the Competitive Sealed Proposal method of bidding to assure the quality and responsiveness of the construction contractor. Public Works staff is also considering separating the construction services into two parts; infrastructure improvements and architectural improvements. Recognizing that this redevelopment could potentially impact other streets in the immediate vicinity, a Phase II project to address the zone of influence is anticipated.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to support the adopted Downtown Master Plan, the Downtown Neighborhood Plan and the Historical Civic Center Master Plan.

FISCAL IMPACT

This is a one-time capital improvement expenditure in the amount of \$958,440.00 and is not included in the FY 06-11 Capital Improvement Program Budget. This ordinance appropriately amends the capital budget and reprograms funds from the Economic Development Incentive Fund and the General Fund to cover the indicated costs as summarized in the following table.

| Fund/Program | \$ Amount |
|---|------------------|
| <i>Economic Development Incentive Fund</i> | |
| Neighborhood Improvement District Match Funds | 600,000 |
| Available programmable Fund Balance | 123,840 |
| <i>General Fund</i> | |
| November 2005 Election Costs Savings | 234,600 |
| Total Reprogrammed Funding | \$958,440 |

The \$600,000 within the Economic Development Incentive Fund (EDIF) was initially programmed for a public/private sector challenge-match initiative for the Neighborhood Improvement District program. The Neighborhood Action Department has strategically marketed this program for more than two years making over 20 presentations to neighborhood groups and organizations. While there has been modest neighborhood group interest (three applicants initially showed interest in pursuing the program with one still remaining to show interest), as of today no neighborhood organization has been able to gather community support for the NID initiative. Looking forward, it is anticipated that the \$600,000 could be reprogrammed for the Main Plaza project.

The Economic Development Incentive Fund (EDIF) showed a projected ending balance of \$335,877 within the FY 2006 Budget. Since the FY 2006 Budget development process, City Council approved funding for two additional initiatives using the EDIF ending balance—additional job training funds for Toyota Suppliers (\$96,160) and a Financial District Study (\$85,000). After actual FY 2005 interest earnings are considered within the EDIF, the fund's ending balance is sufficient to allow \$123,840 to be programmed for the Main Plaza project.

The FY 2006 Adopted General Fund budget included \$559,640 for the November 2005 General Election. However, the City's actual costs for the November 8, 2005 Election was less than originally projected as a result of additional entities participating. Originally, the City and Bexar County were the only jurisdictions scheduled to participate. East Central Independent School District and the Alamo Community College District also participated in the Election and as a result lowered the overall costs per jurisdiction. It is projected that the City's Municipal Elections budget will realize savings in FY 2006 sufficient to reprogram \$234,600 for the Main Plaza project.

Funds for the Main Plaza project are to be reprogrammed and appropriated within the project budget and authorized payable as follows:

| | |
|---------------|--|
| \$ 862,000.00 | payable to Bender, Inc., dba Bender Wells Clark Design for design services |
| \$ 30,000.00 | for project contingency |
| \$ 64,440.00 | for capital administrative cost |
| \$ 2,000.00 | for advertising expenses |

COORDINATION

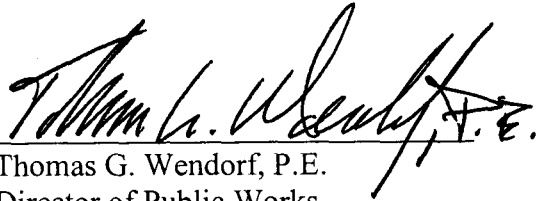
This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department, the Asset Management Department, the Parks and Recreation Department, the City Attorney's Office, the Contract Services Department, Bexar County and the Downtown Alliance.

SUPPLEMENTARY COMMENTS

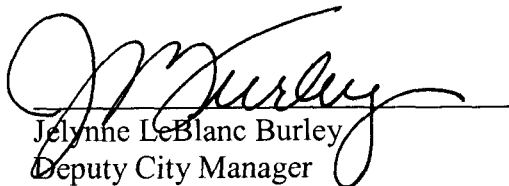
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

1. Project Area Map
2. Project Schedule
3. Statement of Interest Review Summary
4. Discretionary Contracts Disclosure Form

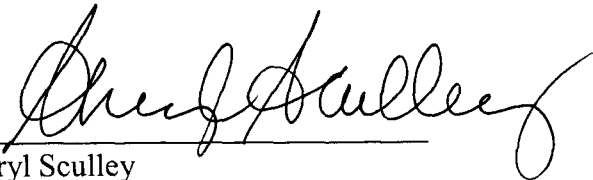


Thomas G. Wendorf, P.E.
Director of Public Works



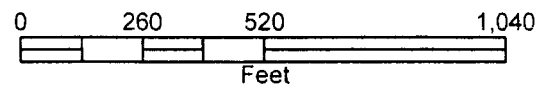
Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

'A' Main Plaza Area of Improvements



This project involves the redevelopment of Main Plaza (Plaza de las Islas) as a pedestrian plaza with the closure of adjacent streets, drainage and landscaping improvements.

MAIN PLAZA PROJECT SCHEDULE

The schedule for this project will be very aggressive.

Request for Qualifications (RFQ) was posted on December 6, 2005

Pre-Submission Conference was held on December 16, 2005

RFQ responses were received on January 4, 2006

A/E Selection Committee Meeting held on January 13, 2006

Internal Design Team Meeting February 7, 2006

Council Action February 16, 2006

1st Public Meeting February 28, 2006

Design Team Charrette March 7, 2006

2nd Public Meeting March 21, 2006

Tentatively scheduled for B Session on April 5, 2006

Design Development April 23, 2006

Completed Construction Documents July 6, 2006

Advertise July 10, 2006

Bid August 9, 2006

Award August 31, 2006

Construction Start September 11, 2006

Phase 1 Construction Substantially Complete July 2007

**CITY OF SAN ANTONIO - ARCHITECT/ENGINEER REVIEW COMMITTEE
EVALUATION OF QUALIFICATION STATEMENTS FOR
Main Plaza Redevelopment**

[illegible]

sign this form, then submit to the Public Works Department/ Contract Services Office for retention.

CITY OF SAN ANTONIO
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.*

(1) Identify any individual or business entity¹ that is a **party** to the discretionary contract:

Bender, Inc. dba Bender Wells Clark Design
830 North Alamo Street
San Antonio, Texas 78215

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☐ No subcontractor(s); or

List subcontractors: SWA Group, InTEC, PBS&J, Lake-Flato, Joshua Engineering Group, Jaster-Quintanilla, Garza Consulting, Unitech, Maria Pfeifer, Celia Munoz, The Fountain People

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

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. A sole proprietor should list the name of the individual and the d/b/a, if any.

(5) Political Contributions

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):

☐ No contributions made; If contributions made, list below:

| By Whom Made: | To Whom Made: | Amount: | Date of Contribution: |
|-------------------|--------------------------|----------|-----------------------|
| Lawrence C. Clark | Roger Flores Campaign | \$200.00 | 4-12-05 |
| Lawrence C. Clark | Phil Hardberger Campaign | \$400.00 | 4-27-05 |

(6) Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

| | | |
|--|--|----------------|
| Signature: <i>Beth Bender Wells</i> | Title: President Company or D/B/A: Bender Wells Clark Design | Date: 1-3-2006 |
|--|--|----------------|

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether required.