

AN ORDINANCE 2007-03-29-0317

**AUTHORIZING AND APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$4,896.00 PAYABLE TO GARCIA & WRIGHT CONSULTING ENGINEERS, INC., FOR CONSTRUCTION PHASE PROFESSIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE FAY STREET/ST. JOSEPH: CREIGHTON TO NEW LAREDO HIGHWAY, PHASE II PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 5.**

\* \* \* \* \*

**WHEREAS**, on July 4, 1998, Ordinance No. 87882 authorized the execution of a professional services contract with Garcia & Wright Consulting Engineers, Inc. in the amount of \$46,660.00 for professional services in connection with the Fay Street/St. Joseph: Creighton to New Laredo Highway, Phase II Project; and

**WHEREAS**, the project consists of reconstruction of Fay Street from the midpoint between Crittendon and Creighton to New Laredo Highway and Applebee from Fay to the dead-end, Lyell from Fay to Southcross and will include 4-foot wide sidewalks, curbs, and driveway approaches, as well as, a 27-foot wide, 2 lane standard roadway with underground storm water drainage; and

**WHEREAS**, this Ordinance provides additional funds in the amount of \$4,896.00 to Garcia & Wright Consulting Engineers, Inc. in order to complete the payment of construction phase services; and

**WHEREAS**, approval of this Ordinance will be a continuation of City Council policy to complete previously approved 1999 General Obligation Street Improvement Bond funded projects, **NOW THEREFORE;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The additional funds in an amount of \$4,896.00 to Garcia & Wright Consulting Engineers, Inc. to complete the payment of construction phase services in connection with the Fay Street/St. Joseph: Creighton to New Laredo Highway, Phase II Project is hereby authorized.

**SECTION 2.** The following financial adjustments are hereby approved:

- a) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00873, Hoover Street: Nogolitos to Charlotte, shall be revised by decreasing WBS 23-00873-05-03, entitled Construction Contingency, G/L Account 5201140, by the amount of \$4,896.00.
- b) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00873, Hoover Street: Nogolitos to Charlotte, shall be revised by decreasing WBS

23-00873-90-03, entitled Trf Fr GO-00170-01-01-62, G/L Account 6101100, by the amount of \$4,896.00.

- c) The budget in Fund 45979000, 1999 General Obligation Street Bond, Project Definition GO-00170, 1999 G.O. Bond Authorization – Streets, Series 1999, shall be revised by decreasing WBS GO-00170-01-01-62, entitled Trf To 23-00873-90-03, G/L Account 6102100, by the amount of \$4,896.00.
- d) The budget in Fund 45979000, 1999 General Obligation Street Bond, Project Definition GO-00170, 1999 G.O. Bond Authorization – Streets, Series 1999, shall be revised by increasing WBS GO-00170-01-01-75, entitled Trf To 23-00871-90-06, G/L Account 6102100, by the amount of \$4,896.00.
- e) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00871, Fay/ St. Joseph Phase II -Creighton to New Laredo Hwy, shall be revised by increasing WBS 23-00871-90-06, entitled Trf Fr GO-00170-01-01-75, G/L Account 6101100, by the amount of \$4,896.00.
- f) The budget in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00871, Fay/ St. Joseph Phase II -Creighton to New Laredo Hwy, shall be revised by increasing WBS 23-00871-01-02, entitled Design Costs, G/L Account 5201170, by the amount of \$4,896.00 and shall be encumbered and made payable to **Garcia & Wright Consulting Engineers, Inc.**, for design costs.

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** This ordinance shall take effect on the 8th days of April, 2007.

**PASSED AND APPROVED** this 29th day of March, 2007.



M A Y O R

**PHIL HARDBERGER**

ATTEST:



City Clerk

APPROVED AS TO FORM



City Attorney

# Agenda Voting Results

**Name:** Consent Agenda, except for 8, 14, 18, 41, 53, 57, 58C

**Date:** 03/29/07

**Time:** 02:10:52 PM

**Vote Type:** Multiple selection

**Description:**

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		



CMS or Ordinance Number: OR00000200703290317

TSLGRS File Code: 1000-05

Document Title:

ORD - 23-00871: Fay Street/ St. Joseph from Creighton to New Laredo Highway,  
Phase II [Ordinance #92231; 8/3/2000; Original Appropriation \$102

**Ordinance Date:**

**3/29/2007**



CMS or Ordinance Number: CN4600001141

TSLGRS File Code:1075-16

Document Title:

CONT - 23-00871: Fay Street/ St. Joseph from Creighton to New Laredo Highway,  
Phase II [Ordinance #92231; 8/3/2000; Original Appropriation \$102

**Commencement Date:**

**9/3/2004**

**Expiration Date:**

**9/3/2008**

**RESTATEMENT OF FIRST, SECOND, THIRD, FOURTH, FIFTH,  
SIXTH AMENDMENTS  
AND  
SEVENTH AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT  
ENGINEERING SERVICES  
FOR**

**Fay Street / St. Joseph from Creighton to New Laredo Highway Phase II  
(Project No. 23-00871)**

The City of San Antonio, a Texas Municipal Corporation, (hereinafter referred to as "CITY") presently contracts with GARCIA & WRIGHT CONSULTING ENGINEERS, INC., (hereinafter referred to as "CONSULTANT"), for the FAY STREET/ ST. JOSEPH FROM CREIGHTON TO NEW LAREDO HIGHWAY PHASE II project, pursuant to a Professional Services Agreement (hereinafter referred to as the "Agreement") approved by City Council on August 3, 2000 through Ordinance No. 92231 for \$102,151.00.

**FIRST RESTATEMENT**

The Professional Services Agreement was amended pursuant to Ordinance No. 95826 passed and approved on May 30, 2002 and is restated below:

1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$16,557.26 to the fee for the CONSULTANT's additional work for a total contract amount of \$118,708.26.

2 Article III, "SCOPE OF SERVICES" is hereby amended so that CONSULTANT will provide the necessary plats and field notes which include research, survey, processing of survey, CADD work, preparation of field notes, all work necessary for thirteen (13) tracts of land for fee simple acquisition, plats for driveway penetrations, and review by the project manager.

**SECOND RESTATEMENT**

The Professional Services Agreement was amended on January 21, 2003 and is restated below:

1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$4,610.98 to the fee for the CONSULTANT's additional work for a total contract amount of \$123,319.24.

2 Article III, "SCOPE OF SERVICES" is hereby amended so that CONSULTANT will provide all work necessary to stake out the Right-of-Way of Fay Avenue, Applebee Street, and Lyell Avenue at every 100 feet for existing fence and utility relocation.

### **THIRD RESTATEMENT**

The Professional Services Agreement was amended on September 2, 2003 and is restated below:

- 1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$1,801.56 to the fee for the CONSULTANT's additional work for a total contract amount of \$125,120.80.
- 2 Article III, "SCOPE OF SERVICES" is hereby amended so that CONSULTANT will stake out a 19.0' offset left of the Fay Avenue centerline. This work is for the relocation of the City Public Service's gas main. These services will include all work necessary to set hubs at every 100 foot station.

### **FOURTH RESTATEMENT**

The Professional Services Agreement was amended on October 20, 2003 and is restated below:

- 1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$4,667.53 to the fee for the CONSULTANT's additional work for a total contract amount of \$129,788.33.
- 2 Article III, "SCOPE OF SERVICES" is hereby amended so that CONSULTANT will change the construction limits of the project. The new limits are along Lyell Avenue from Southcross Blvd. to Fay Avenue from a point approximately 250 feet west of Lyell Avenue to New Laredo Highway. This includes all work necessary to modify the construction plans, construction estimate and bid documents.

### **FIFTH RESTATEMENT**

The Professional Services Agreement was amended on March 1, 2004 and is restated below:

- 1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$3,571.27 to the fee for the CONSULTANT's additional work for a total contract amount of \$133,359.60.
- 2 Article III, "SCOPE OF SERVICES" is hereby amended so that CONSULTANT will redesign the proposed concrete junction box at the intersection of Southcross Blvd. and Lyell Avenue. The redesign is due to conflicts with SAW's sanitary sewer system.

### **SIXTH RESTATEMENT**

The Professional Services Agreement was amended on April 16, 2004 and is restated below:

- 1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$2,381.64 to the fee for the CONSULTANT's additional work for a total contract amount of \$135,741.24.
- 2 Article III, "SCOPE OF SERVICES" is hereby amended so that CONSULTANT will provide additional work necessary to revise the project scope and to modify the project limits.

**AMENDMENT**

This amendment of the Professional Services Agreement (hereinafter referred to as "this Amendment") is entered into by and between the CITY acting by and through its designated representative. The undersigned hereby agree to amend said Agreement as herein set forth:

1 Article V. of the Agreement, entitled "COMPENSATION," is hereby amended to add the lump sum of \$4,896.00 to the fee for the CONSULTANT's additional work for a total contract amount of \$140,637.24.

2 Article III, "SCOPE OF SERVICES" is hereby amended to provide additional funds in order to complete the payment of construction phase services for work required to complete the project, all in accordance with the CONSULTANT's proposal dated July 2, 2007 which is attached hereto as attachment "A" and incorporated by reference herein.

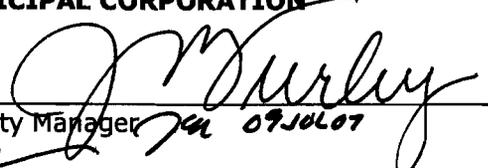
3 This amendment to the Agreement shall not prejudice any present or future rights, remedies, benefits, or powers belonging or accruing to CITY under the terms of the Agreement herein amended.

4 Except as provided otherwise herein, the Agreement shall remain unaffected, unchanged, and unimpaired by reason of the foregoing amendments.

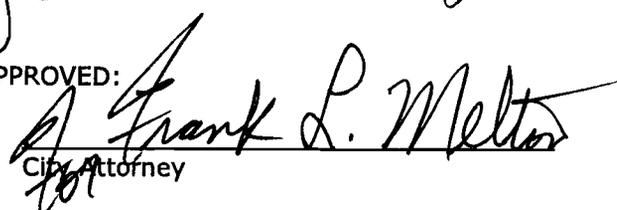
Amendment AGREED TO this the 18<sup>th</sup> day of July, 2007.

**CITY OF SAN ANTONIO, A TEXAS  
MUNICIPAL CORPORATION**

**Garcia & Wright Consulting Engineers, Inc.**

By:   
City Manager *for* *09JUL07*

By:   
Designated Representative

APPROVED:   
City Attorney

**GARCIA & WRIGHT**  
CONSULTING ENGINEERS, INC.

July 2, 2007

City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

Attn: David E. Matney, P.E.

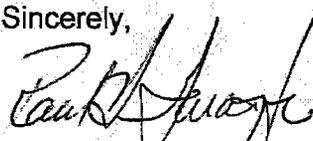
Re: Fay / St. Joseph from Creighton to New Laredo Highway Phase II  
Request for Additional Services - Construction

Dear Mr. Matney:

As per our Professional Services Contract for the above referenced project, we are requesting an additional amount of \$4,896.00 for construction phase services.

Please feel free to contact us should you have any questions.

Sincerely,



Raul H. Garcia, Jr., P.E.

RHJR/rhgjr

**MEETING OF THE CITY COUNCIL**

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & PERFORMANCE ASSESSMENT
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
ENVIRONMENTAL SERVICES
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)

AGENDA ITEM NUMBER: 28

DATE: MAR 29 2007

MOTION: \_\_\_\_\_

ORDINANCE NUMBER: \_\_\_\_\_

RESOLUTION NUMBER: 2007-03-29-0317

ZONING CASE NUMBER: \_\_\_\_\_

TRAVEL AUTHORIZATION: \_\_\_\_\_

ROGER G. FLORES District 1			
SHEILA D. MCNEIL District 2			
RYLAND GUTIERREZ District 3			
RICHARD PEREZ District 4			
FRANKIE LEE District 5			
WENDY REYES District 6			
EDNA GUARDADO District 7			
ART A. HALL District 8			
KEVIN A. WOLF District 9			
CHRISTOPHER "CHIP" BLASS District 10			
PHIL HARDBERGER Mayor			

VIA **CONSENT AGENDA**