

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering Department

AGENDA DATE: December 6, 2005

CONTACT PERSON/PHONE: Rick Conner, ext. 4423

DISTRICT(S) AFFECTED: 8

SUBJECT:

Resolution that the City Manager be authorized to sign a Fourth Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **MARTINEZ/JOHNSON ARCHITECTURE, P. C.** for a Project related to the renovation of the **“Plaza Theatre and Centre Annex”**, to include the design for the Annex/Roof catering accommodations, vending carts and concessions, and blade signs in an amount not to exceed TWENTY-NINE THOUSAND SEVEN HUNDRED THIRTY-SIX and 50/100 DOLLARS (\$29,736.50) (District No. 8).

BACKGROUND / DISCUSSION:

This amendment will provide for Martinez|Johnson Architects to design the blade signs, catering accommodations on the Annex/Roof venue and vending cart and concession accommodations.

PRIOR COUNCIL ACTION:

Council previously approved the original Agreement on September 17, 2002, a First Amendment on March 29, 2004, a Second Amendment on May 25, 2004 and a Third Amendment on April 26, 2005.

AMOUNT AND SOURCE OF FUNDING:

The El Paso Community Foundation will fund this item.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Fourth Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **MARTINEZ/JOHNSON ARCHITECTURE, P. C.** for a Project related to the renovation of the “**Plaza Theatre and Centre Annex**”, to include the design for the Annex/Roof catering accommodations, vending carts and concessions, and blade signs in an amount not to exceed TWENTY-NINE THOUSAND SEVEN HUNDRED THIRTY-SIX and 50/100 DOLLARS (\$29,736.50) (District No. 8).

ADOPTED THIS ____ DAY OF _____, 2005.

THE CITY OF EL PASO:

John F. Cook, Mayor

ATTEST:

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:

Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:

Rick Conner, P.E.
City Engineer

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

**FOURTH AMENDMENT TO AN
AGREEMENT FOR ARCHITECTURAL SERVICES**

This **Fourth Amendment** is made this ____ day of _____, 2005, by and between **THE CITY OF EL PASO**, hereinafter referred to as the “**Owner**”, and **MARTINEZ & JOHNSON ARCHITECTURE, P.C.**, hereinafter referred to as the “**Architect**”.

WHEREAS, on Sept. 17, 2002, PT Annex, a limited liability company within the State of Texas, entered into an Agreement for Architectural Services with the Architect for a Project related to the renovation of the Plaza Theatre and Centre Annex (the “**Agreement**”); and

WHEREAS, on Sept. 17, 2002, the Agreement was assigned by PT Annex to the Owner via agreement of September 17, 2002, and the Owner assumed all rights, title and interest of PT Annex, with regard to the architectural services of the Architect, with regard to the Agreement; and

WHEREAS, on March 29, 2004, a **First Amendment** was entered into by and between the Architect and the Owner; and

WHEREAS, on May 25, 2004, a **Second Amendment** was entered into by and between the Architect and the Owner; and

WHEREAS, on April 26, 2005, a **Third Amendment** was entered into by and between the Architect and the Owner; and

WHEREAS, the Owner now desires to design for Annex/Roof catering accommodations, vending carts/concession locations and the blade signs, and the cost of these additional design services and certain subsequent related construction costs are pursuant to other written agreements to which the City is a party and is to be paid for by the El Paso Community Foundation;

NOW, THEREFORE, it is hereby agreed as follows:

I. Scope of Services

In accordance with Section II, *Additional Services of the Architect*, Part A, *General*, of the Agreement, the Owner hereby authorizes the Architect to prepare final construction documents for the Annex/Roof catering accommodations, vending carts/concession locations and the blade signs.

II. Time of Completion

The Architect shall complete the construction drawings within fourteen (14) City working days following written authorization from the Owner to proceed.

III. Payments to Architect

The Owner shall pay the Architect an amount not to exceed **TWENTY-NINE THOUSAND SEVEN HUNDRED THIRTY-SIX and 50/100 DOLLARS (\$29,736.50)** for the requested services performed under this Fourth Amendment.

Payment shall be contingent on the Owner’s approval of the work performed by the Architect. The method of payment shall be pursuant to the schedule of payments outlined in the Agreement. The Architect’s fee proposal for the additional services is attached hereto as **Exhibit “A”**.

IV. Terms and Conditions

All terms and conditions of the Agreement, amendments, and subsequent amendments, except as herein revised, shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

THE CITY:

CITY OF EL PASO,
a Texas municipal corporation

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Theresa Cullen-Garney
Deputy City Attorney

Rick Conner
City Engineer

ARCHITECT:

MARTINEZ & JOHNSON |
ARCHITECTURE, P.C.
By: _____
GARY F. MARTINEZ, AIA, President

CONSENTS WITHOUT BEING PARTIES TO THE AMENDMENT:

PT ANNEX:

PT ANNEX, LLC,
a Texas limited liability company
By: _____
Name: JANICE W. WINDLE
Title: President

ACKNOWLEDGMENTS:

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on this ____ day of _____, 2005, by Joyce A. Wilson, as City Manager of the City of El Paso.

Notary Public, State of Texas

DISTRICT OF COLUMBIA)

This instrument was acknowledged before me on this ____ day of _____, 2005, by Gary F. Martinez, as President of Martinez & Johnson | Architecture, P.C.

(seal)

Notary Public, State of _____

My Commission Expires

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on this ____ day of _____, 2005, by Janice W. Windle, as President of PT Annex, LLC.

(Seal)

Notary Public, State of Texas

Logged 11/17

EXHIBIT "A"

May 11, 2005

Ms. Irene Ramirez
City of El Paso
Municipal Services
Department of Engineering
2 Civic Center Plaza, 10th Floor
El Paso, TX 79901-1196

Re: The Plaza Theatre
Annex Roof Catering Design Services
MJA No: 7233.011

Dear Ms. Ramirez:

As requested we provided the design services and design drawings for the above project. The design services are inclusive of Architectural, Structural, Mechanical, and Electrical disciplines for a fixed fee of \$11,506.00 (Eleven Thousand Five Hundred-Six Dollars and no cents). This fee is based upon the attached proposals.

The documents have been issued to the General Contractor on the site. Please review the proposal and return a signed copy of the letter for our files.

Sincerely,

Gary F. Martinez, AIA

Cc: file
Enclosure

Accepted by

Date

Plaza Theatre
Terrace Roof Catering
04.20.05

7233.011

ARCHITECT				\$ 5,663.50
Senior Associate	16	\$ 199.00		\$ 3,184.00
Project Architect	3	\$ 157.00		\$ 1,928.00
Staff Architect	14.5	\$ 133.00		\$ 471.00
Admin	2	\$ 40.00		\$ 80.00
STRUCTURAL ENGINEER				\$ 1,500.00
ELECTRICAL ENGINEER				\$ 902.50
MECHANICAL ENGINEER				\$ 3,440.00
			TOTAL	\$ 11,506.00

May 16, 2005

Ms. Irene Ramirez
City of El Paso
Municipal Services
Department of Engineering
2 Civic Center Plaza, 10th Floor
El Paso, TX 79901-1196

Re: Plaza Theatre
Vending Carts / Concessions
MJA No: 7233.009

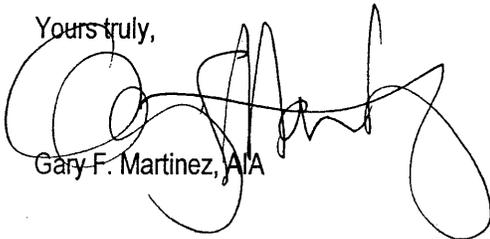
Dear Ms. Ramirez:

As requested we have provided design services and design drawings for the above project. The design services are inclusive of Architectural management and construction administration, Mechanical, and Electrical disciplines for a fixed fee of \$7,706.00 (Seven-Thousand Seven-Hundred Six Dollars and no cents). This fee is based upon the attached proposals.

These services have been completed and the documents issued to the General Contractor on the site. Please review the proposal and return a signed copy of the letter for our files.

Please feel free to call if there are any questions. If we can be of further assistance please advise.

Yours truly,



Gary F. Martinez, AIA

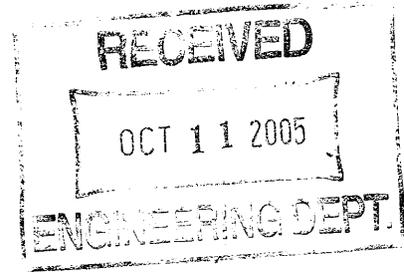
Cc: RM/GM/TH/file
Enclosure

Plaza Theatre
Vending Carts / Concessions 7233.009
04.20.05

ARCHITECT				\$ 3,096.00
Senior Associate	12	\$ 199.00	\$ 2,388.00	
Project Architect	4	\$ 157.00	\$ 628.00	
Admin	2	\$ 40.00	\$ 80.00	
ELECTRICAL ENGINEER				\$ 1,830.00
MECHANICAL ENGINEER				\$ 2,780.00
		TOTAL		\$ 7,706.00

Martinez
& Johnson

ARCHITECTURE



May 11, 2005

Ms. Irene Ramirez
City of El Paso
Municipal Services
Department of Engineering
2 Civic Center Plaza, 10th Floor
El Paso, TX 79901-1196

Re: Plaza Theatre
Blade Sign Design
MJA No: 7233.010

Dear Ms. Ramirez:

As requested we have provided design services and design drawings for the above project. The design services are inclusive of Architectural, Structural, and Electrical disciplines for a fixed fee of \$10,524.50 (Ten Thousand Five Hundred Twenty-Four Dollars and 50 cents).

The documents have been issued to the General Contractor on the site. Please review and return a signed copy for our records.

Please feel free to call with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary F. Martinez".

Gary F. Martinez, AIA

Cc: file
Enclosure

Accepted by

Date

Plaza Theatre
Blade Sign
04.20.05

7233.01

ARCHITECT			\$ 8,092.00
Senior Associate	16	\$ 199.00	\$ 3,184.00
Project Architect	4	\$ 157.00	\$ 628.00
Staff Architect	35	\$ 133.00	\$ 4,200.00
Admin	2	\$ 40.00	\$ 80.00
STRUCTURAL ENGINEER			\$ 2,000.00
ELECTRICAL ENGINEER			\$ 432.50
TOTAL			\$ 10,524.50