

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

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES TO:** Melissa Byrne Vossmer; Steven F. Hodges; Malcolm Matthews; File

**SUBJECT:** Ordinance authorizing payment of Legal Fees incurred in land acquisition in related to various Capital Projects

**DATE:** November 14, 2002

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$5,205.78 payable to Davidson & Troilo, P.C., for legal services in connection with the Alamo Street – Durango to Cedar Project (\$13.00), Basse Road and San Pedro Intersection Metropolitan Planning Organization Project (\$54.00), Bitters Road – West Avenue to Heimer Metropolitan Planning Organization Project (\$3,900.64), Culebra Drainage #58F Project (\$9.20), Fire Station No. 25 Project (\$14.00), Houston – Bowie to Pine Metropolitan Planning Organization Project (\$13.00), Higgins – Nacogdoches to Stahl Project (\$14.00), Lockhill Selma – George Road to Whisper Path Metropolitan Planning Organization Project (\$20.00), Mission Trails Parkway, Package II Metropolitan Planning Organization Project (\$9.20), Mission Trails Parkway, Package IV Metropolitan Planning Organization Project (\$9.20), Pecan Valley – I.H. 10 to J Street Metropolitan Planning Organization Project (\$9.20), Salado Creek Greenway (Hike & Bike) Project (\$492.95), Southcross Blvd. – New Braunfels to Presa Metropolitan Planning Organization Project (\$64.10), and the Thousand Oaks Intersections Project (\$583.29). These projects are located in various City Council Districts and are multi-funded projects including General Obligations of the City.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

The invoices for these legal services have been reviewed for accuracy by the City Attorney's Office who recommends payment as requested.

**Alamo Street – Durango to Cedar Project** – We have acquired all parcels in the three-parcel project. This project will let for contract in February 2003 and is scheduled to start construction in April 2003 and be completed by February 2004. The scope of this project includes the reconstruction of the existing roadway to four lanes with curbs, four-foot sidewalks at the curb, driveway approaches, and necessary drainage. This project will also include bike lanes from Durango to Presa.

**Basse Road at San Pedro Intersection (MPO) Project** - We have acquired all parcels in the 14-parcel project. Construction on this project is complete.

**Bitters Road – West Avenue to Heimer Road (MPO) Project** – We have six signed instruments and one condemned parcel in the nine-parcel project. Two parcels have been submitted to the City Attorney's Office for condemnation proceedings. This project will let for contract in February 2003 by the Texas Department of Transportation and is scheduled to start construction in April 2003 and be completed by October 2004. The scope of this project includes the widening of the existing roadway to seven lanes, adding left and right turn lanes at U.S. 281 to facilitate traffic thru the intersection of U.S. 281, and upgrade traffic signalization. This project will also include the construction of six-foot sidewalks at the curb.

**Culebra Drainage #58F Project** - We have 46 signed instruments in the 48-parcel project. Two parcels have been submitted to the City Attorney's Office for condemnation proceedings. The project is currently under construction and scheduled to be completed by December 2002. This project will improve Zarzamora Creek from Culebra to Commerce, and reconstruct Acme from Commerce north to Creek, and Tellez from Acme to Laven to a 30-foot width. This project will include street parkway improvements such as new curbs, sidewalks, driveway approaches, necessary street drainage, and utility improvements.

**Fire Station No. 25 Project** - We have acquired all the necessary parcels in this four-parcel project. The acquisition of this land is for the relocation and development of Fire Station No. 25 located in Council District 4. This project is currently beginning the design process.

**Higgins Road - Nacogdoches to Stahl Project** - We have 27 signed instruments and one condemned parcel in the 30-parcel project. Two parcels have been submitted to the City Attorney's Office to begin condemnation proceedings. This project is currently under construction and is projected to be completed by August 2002. The scope of this project will be undertaken in two phases. Phase I consists of reconstructing Higgins Road to five lanes, from Nacogdoches to Buckwheat, four lanes from Buckwheat to Uhr Lane, and five lanes from Uhr Lane to Bellcrest. Phase I will also include curbs, sidewalks, driveway approaches, and necessary drainage. Phase II will consist of constructing four lanes of asphalt pavement from Bellcrest to 560-feet south of Stahl Road.

**Houston – Bowie to Pine (MPO) Project** – We have two signed instruments and one condemned parcel in the three-parcel project. This project will let for contract in December 2002 by the Texas Department of Transportation and is scheduled to start construction in January 2003 and completed by February 2005. The scope of this project includes the reconstruction and widening of the existing two-lane roadway to two and four lanes to include curbs four-foot sidewalks at the curb, driveway approaches, and necessary drainage.

**Mission Trails Parkway, Package II (MPO) Project** – We have acquired all the necessary parcels in this 14-parcel project. This project will let for contract in November 2002 by the Texas Department of Transportation and is scheduled to start construction in December 2002 and completed by November 2004. Package II of this project provides for street and drainage improvements along Mission Road from S.E. Military Drive to Padre, and Roosevelt to Southcross. It also includes street and drainage improvements on Padre, from Mission Road to Southcross, and hike and bike trails.

**Mission Trails Parkway, Package IV (MPO) Project** – We have seven signed instruments in the 10-parcel project. One parcel has been submitted to the City Attorney's office for condemnation proceedings. The two remaining parcels are still in negotiations. The scope of this project is currently funded for design and right of way acquisition only.

**Pecan Valley – IH 10 to J Street (MPO) Project** – We have 33 signed instruments and three condemned parcels in the 36-parcel project. This project is currently under construction and is projected to be completed by October 2003. The scope of this project includes the reconstruction of Pecan Valley to four lanes (46') to include curbs, six-foot sidewalks at the curb with driveway approaches, and necessary drainage improvements.

**Salado Creek Greenway (Hike & Bike) Project** - We have three signed instruments in the 22-parcel project. Two parcels have been submitted to the City Attorney's office to begin condemnation proceedings. The 17 remaining parcels are still in negotiations. The Real Estate Section will acquire seven of the fee simple title parcels and Pape-Dawson Engineers, Inc. has been contracted for the acquisition of the 15 permanent easement parcels. This project is scheduled to be advertised for competitive bids in July 2003. Construction is scheduled to begin in September 2003 and completed by September 2004. The scope of work for this project includes constructing a hike and bike trail from Willow Springs Gold Course to Comanche Park.

**Southcross Blvd. – New Braunfels to Presa (MPO) Project** – We have 54 signed instruments and one condemned parcel in the 57-parcel project. The remaining two parcels are being submitted to the City Attorney's office for condemnation proceedings. This project will let for contract in April 2003 by the Texas Department of Transportation and scheduled to start construction in June 2003 and completed by January 2005. The scope of this project includes the reconstruction of the existing roadway to four lanes with curbs, five-foot sidewalks, necessary drainage, and signal upgrades.

**Thousand Oaks Intersections (MPO) Project** – We have one signed instrument and one condemned parcel in the two-parcel project. The scope of work includes reconstruction of the existing four-lane intersections on Thousand Oaks between U.S. 281 and Jones Maltsberger. The improvements will provide left and/or right turn lanes at a total of five intersections with phasing of construction as follows: (Phase I) Broken Oak (right and left turn lanes), Phases 2 and 3) Ledge View (left turn lane), (Phases 4, 5, & 6) Turkey Point (left turn lane), (Phase 7) Pebble Forest (left turn lane) and Oak Leigh (left turn lane). This project will let for contract in March 2003. Construction on this project is scheduled to begin in June 2003 and be completed in June 2004.

### **POLICY ANALYSIS**

Charges for such services are reasonable and necessary expenses related to the above mentioned projects.

### **FISCAL IMPACT**

Funds in the amount of \$5,205.78 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

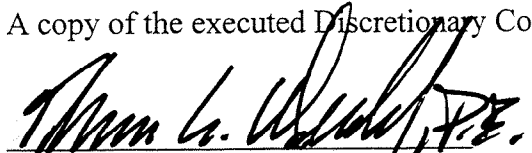
1986 Certificates of Obligation	\$ 14.00
1994 General Obligation Street Bonds	14.00
1996 Certificates of Obligation	29.20
1996 Street Certificates of Obligation	54.00
1999 General Obligation Drainage Bonds	9.20
1999 Flood Control & Park Improvement Bonds	492.95
1999 General Obligation Street Improvement Bonds	656.59
2000A Street Certificates of Obligation	3,909.84
2001 Street Certificates of Obligation	13.00
Issued Certificates of Obligation	<u>13.00</u>
	\$5,205.78

### **COORDINATION**

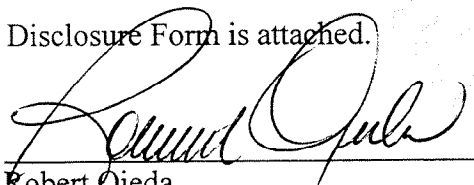
This ordinance was coordinated with the Department of Finance, the City Attorney's Office, the Fire Department, Parks and Recreation Department and the Texas Department of Transportation.

**SUPPLEMENTARY COMMENTS**

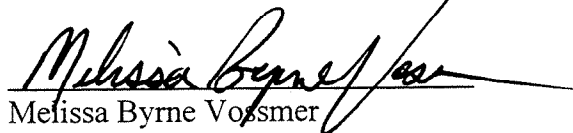
A copy of the executed Discretionary Contracts Disclosure Form is attached.



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



Robert Ojeda  
Fire Chief



Melissa Byrne Vossmer  
Assistant City Manager



Malcolm Matthews  
Director of Parks & Recreation

Approved:



Terry M. Brechtel  
City Manager

## **ATTACHMENT 1**

### **FISCAL DATA**

**Project Name: ALAMO STREET – DURANGO TO CEDAR**  
Council District 1

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$13.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 2001 Street Certificates of Obligation.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,333,343.00.

**Project Name: BASSE ROAD AND SAN PEDRO INTERSECTION (MPO)**  
**PROJECT**  
Council District 1 and 9

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$54.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Street Certificates of Obligation transferred to Fund 43-617011.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$778,206.00.

Additional funding is available from Fund 43-617015 by cancellation of \$54.00 in an encumbrance in Index Code 672493, PO92722N and transferring \$54.00 to Fund 43-617011, Index Code 460097.

**Project Name: BITTERS ROAD – WEST AVENUE TO HEIMER (MPO) PROJECT**  
Council District 9

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$3,900.64 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 2000A Streets Certificates of Obligation transferred to Fund 43-070004.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,873,300.00.

**Project Name: CULEBRA DRAINAGE #58F PROJECT**  
Council District

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$9.20 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 General Obligation Drainage Bonds.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$3,081,816.00.

**Project Name: FIRE STATION NO. 25 PROJECT**  
Council District 4

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$14.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1986 Certificates of Obligation transferred to Fund 43-607011.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,128,000.00.

**Project Name: HIGGINS ROAD – NACOGDOCHES TO STAHL PROJECT**  
Council District 10

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$14.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Street Bonds (Sold in 1994).

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,970,248.00.

Additional funding is available from Fund 45-447023 by cancellation of \$14.00 in an encumbrance in Index Code 626952, PS90213N and transferring \$14.00 to Index Code 623462.

**Project Name: HOUSTON – BOWIE TO PINE (MPO) PROJECT**  
Council District 1 & 2

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$13.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from Issued Certificates of Obligation.

This item is within budget.

This item represents a portion of a total estimate City project cost of \$913,527.00.00.

**Project Name: LOCKHILL SELMA – GEORGE ROAD TO WHISPER PATH  
(MPO) PROJECT**  
Council District 8

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$20.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation transferred to Fund 45-476016

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,790,168.00.

Additional funding is available from Fund 43-617015 by cancellation of \$20.00 in an encumbrance in Index Code 618397, CP93028N and transferring \$20.00 to Fund 45-476016, Index Code 685172.

**Project Name: MISSION TRAILS PARKWAY, PACKAGE II (MPO) PROJECT**  
Council District

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$9.20 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 General Obligation Street Improvement Bonds.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$3,083,732.00.

**Project Name: MISSION TRAILS PARKWAY, PACKAGE IV (MPO) PROJECT**  
Council Districts 1 & 3

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$9.20 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 2000A Streets Certificates of Obligation transferred to Fund 45-979083.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$880,000.00.



**Project Name: PECAN VALLEY – IH 10 TO J STREET (MPO) PROJECT**  
Council District 2

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$9.20 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation transferred to Fund 45-979065.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$670,275.68.

Additional funding is available from Fund 43-617015 by cancellation of \$9.20 in an encumbrance in Index Code 618397, CP93028N and transferring \$9.20 to Fund 45-979065.

**Project Name: SALADO CREEK GREENWAY (HIKE & BIKE) PROJECT**  
City Wide

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$492.95 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 Flood Control & Park Improvement Bonds transferred to Fund 45-959004.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$11,330,000.00.

**Project Name: SOUTHCROSS BLVD–NEW BRAUNFELS TO PRESA (MPO) PROJECT**  
Council District 3

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$64.10 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 General Obligation Street Improvement Bonds.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,405,032.00.

**Project Name: THOUSAND OAKS INTERSECTIONS**  
Council District 9 and 10

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$583.29 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 General Obligation Street Bonds.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$487,717.00.

## 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:

None

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

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

Davidson & Troilo, P.C.  
No Sub-Contractors

(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:

See attached Exhibit "A" for shareholders of Davidson & Troilo, P.C.

(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

<sup>1</sup> 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.

**SHAREHOLDERS OF DAVIDSON & TROILO, P. C.****EXHIBIT "A"**

Arthur Troilo  
Cheree Kinzie  
Gaines Griffin  
Irwin Zucker  
Mark Craun

James Woo  
John Davidson  
Lea Ream  
Terry Topham  
Richard L. Crozier

Patrick Lindner  
Richard Hettinger  
Richard O'Neil  
Gary L. Fuller  
Susan Murphy

**EXHIBIT "B"****Political Contributions (\$100 or more) to Benefit City Council Members**  
**February 14, 2000 through February 14, 2002 (24 months)**

<u>Name of Councilperson</u>	<u>Contribution Amount</u>
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**Made by Davidson & Troilo Committee for Civic Awareness (a political action committee)****2000:**

Carpenter for Council Committee	\$ 250.00
Bobby Perez Campaign	250.00
District 5 Committee for Progress (David A. Garcia)	250.00
Councilman Raul Prado Campaign	100.00
Friends of Debra Guerrero	100.00
Bannwolf for Mayor	1,000.00

**2001:**

Ed Garza Campaign	\$ 500.00
Enrique "Kike" Martin Campaign	200.00
Enrique M. Barrera Campaign	250.00
Re-Elect Bonnie Conner Campaign	1,000.00
Carroll Schubert Campaign	500.00
Roland Gutierrez Campaign	250.00
Carpenter for Council Campaign	500.00
John H. Sanders Campaign	200.00
Ed Garza Campaign	500.00
Julian Castro for Council Campaign	500.00
Ed Garza Campaign	3,000.00
Friends of Toni Moorhouse	500.00

**2002:**

Councilman John H. Sanders Campaign	100.00
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**Made by R. Gaines Griffin (a shareholder)****2000:**

Tim Bannwolf Office Holder Account	\$500.00
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**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:
See attached Exhibit "B" regarding Political Contributions made by Davidson & Troilo Committee for Civic Awareness & Certain Shareholders. May be subject to amendment.		

**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 question<sup>2</sup> 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 known.		
Signature:  Terry Topham	Title: Senior Vice-President Company: Davidson & Troilo, P.C.	Date:  2/14/02

<sup>2</sup> 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.