

**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:** December 12, 2002

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$4,343.49 payable to Davidson & Troilo, P.C., for legal services in connection with the Babcock Road/Leon Creek Improvements-Hausman to DeZavala (\$416.10), Basse Road and San Pedro Intersection Metropolitan Planning Organization Project (\$90.00), Bitters Road – West Avenue to Heimer Metropolitan Planning Organization Project (\$2,617.80), Pleasanton Road – Southcross to Mayfield Metropolitan Planning Organization Project (\$183.75), and the Salado Creek Greenway (Hike & Bike) Project (\$1,035.84). These projects are located in various City Council Districts and are funded from 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.

**Babcock Road/Leon Creek Improvements – DeZavala Road to Hausman Road Project -**  
We have 23 signed instruments in the 25-parcel project. The two remaining parcels have been submitted to the City Attorney's Office to begin condemnation proceedings. This project is currently under construction and is scheduled to be completed in the Fall of 2002. The scope of this project includes the reconstruction of Babcock Road from Hausman to Nickle and from DeZavala to a point west of Spring Rain to a typical 44-foot width. This project will also construct the new location of Babcock Road from Nickle to a point west of Spring Rain to a typical 44-foot width. It also includes the construction of new bridges at Huesta and Leon Creeks and new curbs, sidewalks, and driveways.

**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.

**Pleasanton Road – Southcross to Mayfield (MPO) Project** – We have 18 signed instruments and two condemned parcels in the 20-parcel project. This project is currently under construction and is scheduled to be completed by September 2003. The scope of this project includes the reconstruction and widening of the existing four lanes to four lanes with a center turn lane (56-foot), curbs, five-foot sidewalks against the curb, driveway approaches, and necessary drainage with intersection improvements at Southcross.

**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 Golf Course to Comanche Park.

### **POLICY ANALYSIS**

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

### **FISCAL IMPACT**

Funds in the amount of \$4,343.49 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

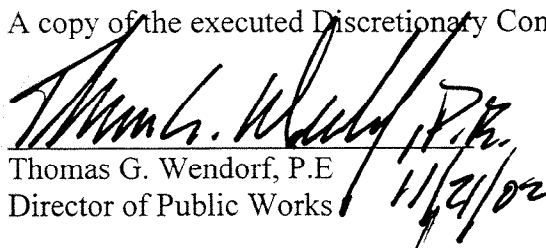
1994 General Obligation Street Improvement Bonds	\$ 416.10
1996 Street Certificates of Obligation	\$ 90.00
1996 Certificates of Obligation	\$ 183.75
1999 Flood Control & Park Improvement Bonds	\$1,035.84
2000A Streets Certificates of Obligation	<u>\$2,617.80</u>
	\$4,343.49


## COORDINATION

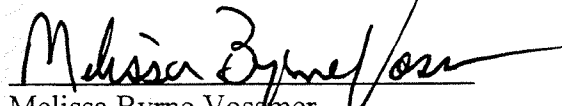
This ordinance was coordinated with the Department of Finance, the City Attorney's Office, the Fire Department, Parks and Recreation Department, and the Texas Department of Transportation.

## SUPPLEMENTARY COMMENTS

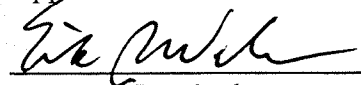
A copy of the executed Discretionary Contracts Disclosure Form is attached.

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

  
Malcolm Matthews  
Director of Parks & Recreation

  
Melissa Byrne Vossmer  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager

## **ATTACHMENT 1**

### **FISCAL DATA**

**Project Name: BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DE ZAVALA PROJECT**  
Council District 8

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$416.10 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Street Improvement Bonds transferred to Fund 45-746013.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$7,742,788.74.

**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 \$90.00 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 \$90.00 in an encumbrance in Index Code 672493, PO92722N and transferring \$90.00 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 \$2,617.80 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: PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD (MPO)**  
**PROJECT**  
Council District 4

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$183.75 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation transferred to 43-617014.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,458,395.75.

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

**Budget Information:**

This is a one-time capital expenditure.

Funds in the amount of \$1,035.84 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.

**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<sup>1</sup> 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

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;

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

<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.

# 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.

(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

### 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.

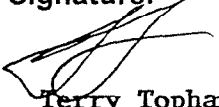
None known.

<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.

**City of San Antonio**  
**Discretionary Contracts Disclosure\***

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Attach additional sheets if space provided is not sufficient.  
State "Not Applicable" for questions that do not apply.*

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<b>Signature:</b>  Terry Topham	<b>Title:</b> Senior Vice-President <b>Company:</b> Davidson & Troilo, P.C.	<b>Date:</b> 10/24/02



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 October 21, 2000 through October 21, 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:

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
Ed Garza Campaign	1,000.00
Friends of Toni Moorhouse	500.00
Carroll Schubert Campaign	500.00