

**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; File

SUBJECT: Ordinance Authorizing Payment of Legal Fees Incurred in Land Acquisition related to various Capital Projects

DATE: November 21, 2002

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$9,025.17 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Ashley Road – Bascum Blvd. to South Flores Project (\$472.22), Blanco Road & Jackson Keller Intersection MPO Project (\$1,856.40), Escalon Street #1008 Drainage Project (\$324.00), Fire Station No. 7 Project (\$1,062.00), Fire Station No. 25 Project (\$36.00), Hi-Lions Drainage Project #80, Phases III & V (\$1,577.95), Octavia Drainage Project #63, Phase II, Part I (\$1,929.60), Pedestrian Bridge at Hidden Cove Elementary (\$1,008.00), Pleasanton Road – Southcross to Mayfield MPO Project (\$126.00), San Pedro Avenue – Quincy to Romana MPO Project (\$18.75), Tezel – Ridge Path to Old Tezel MPO Project (\$30.00), W. W. White Phase I – Rigsby to Lord Project (\$504.75), and the Western Avenue Drainage Project #74 (\$79.50). 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.

Ashley Road – Bascum Blvd. to South Flores Project – We have 58 signed instruments in the 60-parcel project. Two parcels have been submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

Blanco Road at Jackson Keller Intersection (MPO) Project – We have acquired all of the necessary parcels in this nine-parcel project. Construction on this project is complete.

Escalon Drainage Project #1008 – We have acquired all of the necessary parcels in the 10-parcel project. Construction on this project is complete.

Fire Station No. 7 Project – We have two signed instruments and two condemned parcels in the four-parcel project. Construction on this project is scheduled to begin August 2003 and is scheduled to be completed by August 2004.

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.

Hi-Lions Drainage Project #80, Phases III and V – We have 68 signed instruments in the 70-parcel project. The two remaining parcels are still in negotiations. This project is currently under construction and is scheduled to be completed by November 2002. The scope of this project provides for the reconstruction of the streets and drainage in the area bounded by Clark, Vanderbilt, Amanda, and Rigsby. It also includes four-foot sidewalks, curbs, driveway approaches, and underground storm drainage.

Octavia Drainage Project #63, Phase II, Part I – We have 72 signed instruments in the 74-parcel project. The two remaining parcels are in negotiation. Phase I of this project is currently under construction and is scheduled to be completed at the end of October 2002.

Pedestrian Bridge at Hidden Cove Elementary - We have acquired necessary right of entry on the two-parcel project. Two parcels have been submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

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 feet), curbs, five-foot sidewalks against the curb, driveway approaches, necessary drainage, and intersection improvements at Southcross.

San Pedro Avenue – Quincy to Romana Project – We have acquired all the necessary parcels in this 63-parcel project. Construction on this project is complete.

Tezel – Ridge Path to Old Tezel MPO Project - We have four signed instruments in the seven-parcel project. Three parcels are still in negotiations. The project is currently scheduled to let for contract in May 2003 by the Texas Department of Transportation. The scope of this project includes the reconstruction and widening of the street to 72-feet (four lanes) with turn lanes, curbs, six-foot sidewalks at the curb, drainage, signal improvements, and six-foot bicycle lanes.

W. W. White Road – Rigsby to Lord Road Project – We have 42 signed instruments and two condemned parcels in the 45-parcel project. One parcel has been submitted to the City Attorney's Office to begin condemnation proceedings. This project is currently under construction and is projected to be completed in November 2004. The scope of work for this project includes drainage improvements along W.W. White Road from Rigsby to Lord Road and on Rigsby from W.W. White Road to Salado Creek. It also includes drainage on Dell Crest from Sea Breeze to Rigsby.

Western Avenue Drainage Project #74, Phase III B & C – We have acquired all of the necessary parcels in this project. Construction of Phase III B & C is complete.

POLICY ANALYSIS

Approval of this ordinance for payment of legal services is necessary to complete the real estate transactions on the acquisition of the properties in these projects.

FISCAL IMPACT

Funds in the amount of \$9,025.17 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

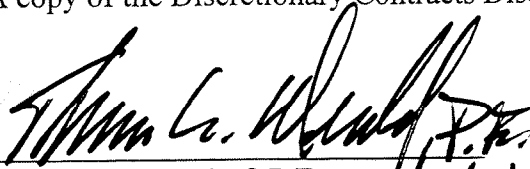
1985 General Obligation Drainage Bonds	\$ 79.50
1987 General Obligation Drainage Bonds	\$ 1,577.95
1987 General Obligation Street Bonds	\$ 472.22
1994 General Obligation Drainage Bonds	\$ 828.75
1996 Certificates of Obligation	\$ 126.00
1996 Street Certificates of Obligation	\$ 1,875.15
1999 Certificates of Obligation	\$ 1,098.00
1999 General Obligation Drainage Bonds	\$ 1,929.60
1999 General Obligation Street Improvement Bonds	<u>\$ 1,038.00</u>
	\$ 9,025.17

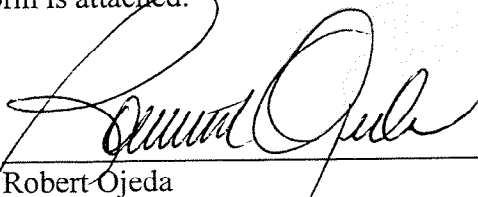
COORDINATION

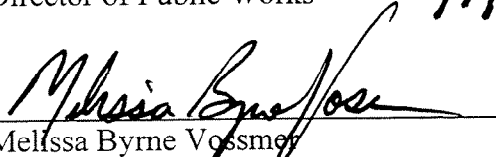
This ordinance was coordinated with the Department of Finance, the City Attorney's Office, the Fire Department, and the Texas Department of Transportation.

SUPPLEMENTARY COMMENTS

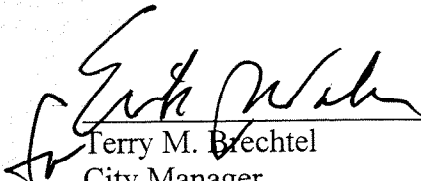
A copy of the Discretionary Contracts Disclosure Form is attached.


Thomas G. Wendorf, P.E.
Director of Public Works
11/1/02


Robert Ojeda
Fire Chief


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

Additional funding is available from Fund 45-468002 by cancellation of \$324.00 in an encumbrance in Index Code 608414, PS95229A and transferring \$324.00 to Fund 45-460008, Index Code 488585.

Project Name: FIRE STATION NO. 7 PROJECT
Council District 1

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$1,062.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 Certificates of Obligation Fund 43-831, transferred to Fund 43-703045.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,634,006.00.

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

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$36.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 Certificates of Obligation Fund 43-831, 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: HI-LIONS DRAINAGE PROJECT #80, PHASE III & V PROJECT
Council District 3

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$1,577.95 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1987 General Obligation Drainage Bonds, Fund 45-766021.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$9,828,636.00.

Additional funding is available from Fund 45-766021 by cancellation of \$1,577.95 in an encumbrance in Index Code 438739, CP91371N and transferring \$1,577.95 from Index Code 438739 to Index Code 632174.

ATTACHMENT 1

FISCAL DATA

Project Name: ASHLEY ROAD – BASCUM TO SOUTH FLORES PROJECT
Council District 3

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$472.22 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1987 General Obligation Street Bonds (Sold in 1991) transferred to 45-717152.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,478,545.00.

Additional funding is available from Fund 45-717052 by cancellation of \$472.22 in an encumbrance in Index Code 498899, CP86916A and transferring \$472.22 from Index Code 498899 to Index code 564195.

Project Name: BLANCO ROAD AND JACKSON KELLER INTERSECTION (MPO) PROJECT
Council District 1 and 9

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$1,856.40 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Street Certificates of Obligation.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$435,191.00.

Additional funding is available from Fund 43-617015 by cancellation of \$1,856.40 in an encumbrance in Index Code 672493, PO92722N and transferring \$1,856.40 from Index Code 672493 to, Index Code 460535.

Project Name: ESCALON STREET DRAINAGE PROJECT #1008
Council District 3

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$324.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Bonds transferred to Fund 45-460008.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,962,868.00.

Project Name: OCTAVIA DRAINAGE PROJECT #63, PHASE II, PART I
Council District 5

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$1,929.60 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 \$1,724,662.00.

Project Name: PEDESTRIAN BRIDGE AT HIDDEN COVE ELEMENTARY
Council District 4

Budget Information:

This is a one-time capital expenditure

Funds in the amount of \$1,008.00 are not 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 \$125,947.00.

Additional funding is available from Fund 45-979070 by cancellation of \$1,008.00 in an encumbrance in Index Code 685891, PS92228A and transferring \$1,008.00 from Index Code 685891 to Index Code 436527.

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 \$126.00 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 \$1,458,212.00.

Project Name: SAN PEDRO AVENUE – QUINCY TO ROMANA (MPO) PROJECT
Council District 1

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$18.75 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Street Certificates of Obligation, Fund 43-617 transferred to Fund 43-617008

This item is within budget.

This item represents a portion of a total estimated City project cost of \$120,492.27.

Additional funding is available from Fund 43-617015 by cancellation of \$18.75 in an encumbrance in Index Code 672493, PO92722N and transferring \$18.75 to Fund 43-617008 Index Code 464800.

Project Name: TEZEL – RIDGE PATH TO OLD TEZEL (MPO) PROJECT

Council District 7

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$30.00 are included in the FY03-FY07 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 \$2,040,605.00.

Project Name: W. W. WHITE PHASE I – RIGSBY TO LORD PROJECT

Council District 2

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$504.75 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Bonds (Sold in 2000) transferred to 1985 Drainage and Flood Control Bonds (Fund 45-546007).

This item is within budget.

This item represents a portion of a total estimated City project cost of \$5,507,043.00.

Project Name: WESTERN AVENUE DRAINAGE PROJECT #74 III B & C PROJECT

Council District 9

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$79.50 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1985 General Obligation Drainage Bonds, transferred to Fund 45-506454.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,337,097.19.

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:

Not applicable.

(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:

- (i) Bracewell & Patterson, L.L.P. is the business entity that is the party to the discretionary contract.
- (ii) None.

(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 list of Bracewell & Patterson, L.L.P. partners.

(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.

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.

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 Frank S. Vanden, III
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 G. Waverly Vest, Jr.
 Gregory J. Vojack
 Mark W. Wege
 Jeffrey S. Whittle
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Andrew F. Spalding
Robert G. Stephens
Phyllis P. Stephenson
Charles H. Still
Margaret B. Symonds


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:
Tim Bannwolf	\$23,900.00	All within the last 24 months.
Bobby Perez	\$300.00	
Ed Garza	\$6,575.00	
Carroll Schubert	\$2,900.00	
Debra Guerrero	\$500.00	
Art Hall	\$500.00	

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 question² 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.

Signature: 	Title: Partner in Charge - San Antonio Office Company: Bracewell & Patterson, LLP	Date: 04/01/02

J. Fullos Wells

² 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.