

**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: January 30, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$6,870.13 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Blanco Road & Jackson Keller Intersection MPO Project (\$36.00), Escalon Street #1008 Drainage Project (\$2,160.00), Fire Station No. 7 Project (\$576.00), Funston Street Properties Project (Botanical Center Improvements)(\$306.00), Hi-Lions Drainage Project #80, Phases III & V (\$1,747.80), Hildebrand Avenue -IH10 to Breeden MPO Project (\$432.00), Hunt Lane - Marbach to US 90 MPO Project (\$180.00), Pedestrian Bridge at Hidden Cove Elementary (\$36.00), Octavia Drainage Project #63, Phase II, Part I (\$396.00), Pleasanton Road - Southcross to Mayfield MPO Project (\$18.00), San Pedro Avenue - Quincy to Romana MPO Project (\$108.00), Tezel - Ridge Path to Old Tezel MPO Project (\$2.55), and the W. W. White Phase I - Rigsby to Lord Project (\$871.78). 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.

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 Street # 1008 Drainage Project - 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.

Funston Street Properties Project – We have three parcels that are in negotiations. The City Parks & Recreation Department requested assistance from the Public Works Real Estate Section in acquiring fee simple title to certain privately owned real property for the location and maintenance of public improvements necessary for the operation of the City of San Antonio Botanical Gardens.

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 May 2003. 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.

Hildebrand Avenue – I.H. 10 to Breeden (MPO) Project – We have acquired all of the necessary parcels for this 26-parcel project. It is currently under construction and scheduled to be completed in June 2004. The scope of this project includes the reconstruction and widening of Hildebrand Avenue with curbs, five-foot sidewalks, and drainage improvements. It also includes a turn lane at Blanco Road.

Hunt Lane – Marbach to US 90 (MPO) Project – We have 8 signed instruments and one condemned parcel in the nine-parcel project. This project is currently under construction and is projected to be completed by November 2003. The scope of this project includes the reconstruction of the existing four-lane roadway to five lanes from U.S. 90 to Demya with turn lanes at Adam Hill, and signal and intersection upgrades at Marbach Road. It will also provide six-foot sidewalks at the curb and necessary 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 complete. Phase II, Part I of this project will let for contract in February 2003 and is scheduled to start construction in April 2003 and be completed by December 2003. The scope of this project includes underground storm drainage improvements along Hart and Pleasanton Road. It will also provide four-foot sidewalks, curbs, driveway approaches and retaining walls.

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 July 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 scheduled to be advertised in February 2003 and is projected to be completed in October 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.

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 \$6,870.13 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:


1987 General Obligation Drainage Bonds	\$ 1,747.80
1994 General Obligation Drainage Bonds	\$ 3,031.78
1994 General Obligation Park Bonds	\$ 306.00
1996 Certificates of Obligation	\$ 450.00
1996 Street Certificates of Obligation	\$ 144.00
1999 Certificates of Obligation	\$ 576.00
1999 General Obligation Drainage Bonds	\$ 396.00
1999 General Obligation Street Bonds	<u>\$ 218.55</u>
	\$ 6,870.13

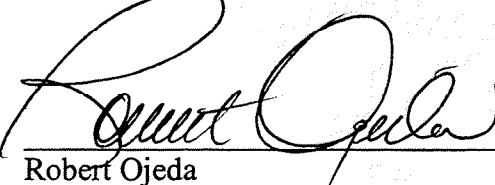
COORDINATION

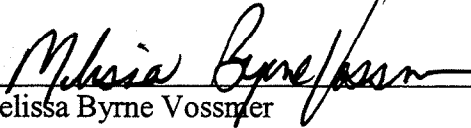
This ordinance was coordinated with the Office of Management and Budget, the Finance Department, the City Attorney's Office, the Fire Department, the Parks and Recreation Department, and the Texas Department of Transportation.


SUPPLEMENTARY COMMENTS

A copy of the Discretionary Contracts Disclosure Form is attached.


Thomas G. Wendorf, P.E.
Director of Public Works 11/8/03


Robert Ojeda
Fire Chief


Melissa Byrne Vossmer
Assistant City Manager


Malcolm Matthews
Director of Parks and Recreation

Approved:


Terry M. Brechtel
City Manager

ATTACHMENT 1

FISCAL DATA

**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 \$36.00 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 \$441,796.00.

Additional funding is available from Fund 43-617015 by cancellation of \$36.00 in an encumbrance in Index Code 672493, PO92722N and transferring \$36.00 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 \$2,160.00 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.

Additional funding is available from Fund 45-468002 by cancellation of \$2,160.00 in an encumbrance in Index Code 608414, PS95229A and transferring \$2,160.00 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 \$576.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 Certificates of Obligation Fund 43-831, transferred to Fund 43-703005.

This item is within budget.

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

**Project Name: FUNSTON STREET PROPERTIES PROJECT
(BOTANICAL CENTER IMPROVEMENTS)**
Council District 9

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$306.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Park Bonds.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$342,000.00.

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 \$1,747.80 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 \$10,151,786.00.

Additional funding is available from Fund 45-766021 by cancellation of \$1,747.80 in an encumbrance in Index Code 438739, CP91371N and transferring \$1,747.80 from Index Code 438739 to Index Code 632174.

Project Name: HILDEBRAND AVENUE – I.H. 10 TO BREEDEN (MPO) PROJECT
Council District 1

Budget Information:

This is a one-time capital expenditure.

Funds in the amount of \$432.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation transferred to Fund 43-617012.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$530,495.00.

Additional funding is available from Fund 43-617015 by cancellation of \$432.00 in an encumbrance in Index Code 672493, PO92722N and transferring \$432.00 to Fund 43-617012, Index Code 563528.

Project Name: HUNT LANE – MARBACH TO US90 (MPO) PROJECT

Council District 4

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$180.00 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 \$1,985,206.00.

Additional funding is available from Fund 45-979087 by cancellation of \$180.00 in an encumbrance in Index Code 636894, CP92934A, and transferring \$180.00 from Index Code 636894 to fund 45-979072, Index Code 529024.

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 \$396.00 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 \$36.00 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 \$36.00 in an encumbrance in Index Code 685891, PS92228A and transferring \$36.00 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 \$18.00 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 \$1,496,944.00.

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 \$108.00 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 \$120,714.00.

Additional funding is available from Fund 43-617015 by cancellation of \$108.00 in an encumbrance in Index Code 672493, PO92722N and transferring \$108.00 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 \$2.55 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 \$1,419,033.00.

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 \$871.78 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Bonds 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.

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:

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

and the name of:

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

None.

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

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

None.

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.

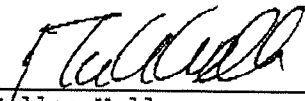
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Signature: 	Title: Partner in Charge - San Antonio Office Company: Bracewell & Patterson, L.L.P.	Date: 11/19/02

J. Tillos Wells

BRACEWELL & PATTERSON, L.L.P.**PARTNERS LISTING**

Roger D. Aksamit
Glenn A. Ballard, Jr.
John H. Barr, Jr.
Ileana M. Blanco
John L. Bland
Gregory M. Bopp
Fentress Bracewell
Searcy Bracewell
James E. Bradley
John R. Brantley
Lisa A. Brown
Bob Casey, Jr.
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B. Thomas Cook
Eugene A. Cook
John A. Couch
Stephen B. Crain
W. Cleland Dade
Mark C. Evans
Joe H. Foy
Kelly Frels
Christopher B. Gilbert
Charles W. Giraud, III
Randall K. Glover
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J. Clifford Gunter, III
William D. Gutermuth
Amy Karff Halevy
Warren W. Harris
William J. Hayes
Laura B. Herring
Tracy D. Hester
David B. Hodgins
Jarvis V. Hollingsworth
Jeffrey J. Horner
Janet L. Horton
Robert J. Hull
Martin J. Hunt
Dean D. Hunt

Jennifer W. Jacobs
Bruce R. Jocz
Walter S. Keneally
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V. Scott Kneese
Thomas C. Kruse
Michael Kuhn
Marcy E. Kurtz
David W. Locascio
Geoffrey A. Long
William T. Luedke
Thomas D. Manford
Edgar J. Marston, III
W. James McAnelly
Ralph D. McBride
Thomas M. Melo
Arturo G. Michel
Robin J. Miles
Thomas O. Moore, III
Gary W. Orloff
Patrick C. Oxford
Carrin F. Patman
G. Alan Raffae
Tracie J. Renfroe
Richard C. Rice
Kent A. Rowald
Phillip L. Sampson, Jr.
Scott C. Sanders
Merri Schneider-Vogel
Ronald Scott
Phillip D. Sharp
Eden P. Sholeen
Andrew F. Spalding
Robert G. Stephens
Phyllis P. Stephenson
Charles H. Still
Margaret B. Symonds
Clark G. Thompson, Jr.
David J. Thompson, III

Ben Tobor
Carol Vance
G. Waverly Vest, Jr.
Jose Luis Vittor
Gregory J. Vojack
Mark W. Wege
Jeffrey S. Whittle
Carlton Wilde
William Key Wilde
Timothy A. Wilkins
R. Daniel Witschey
Rick L. Wittenbraker
Trey A. Wood, III
Thomas W. Adkins
Andrew J. Dillon
Gail E. Papermaster
Gregory Abbott
W. Stephen Benesh
Joseph M. Ford
Paul W. Fox
Lacey L. Gourley
Eric Groten
Barry R. McBee
Kenneth Ramirez
Philip F. Ricketts
Andrew M. Taylor
Anthony H. Anikeeff
Ed Bethune
Jim Chapman
Robert L. Clarke
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Kevin A. Ewing
George Foote
Gene E. Godley
Stephen F. Hogwood
Richard D. Horn
Albert B. Krachman
Nancy Jo Nelson
Luis M. Nido
Nancy M. O'Connor
Michael L. Pate
Marc Racicot
Randall S. Rich
Scott H. Segal
Charles H. Shoneman

Jeffrey D. Watkiss
Nancy A. Wodka
Gayle A. Boone
Sanford M. Brown
Janice Z. Davis
Michael L. Dinnin
William H. Millard
John F. Podvin, Jr.
Christopher H. Rentzel
Lynn Rossie Scott
Samuel M. Stricklin
Michael W. Tankersley
Lon R. Williams, Jr.
Allan C. Wisk
Frank W. Baker
Timothy H. Bannwolf
Mario A. Barrera
Ruben R. Barrera
Elizabeth C. Breazeale
Leslie S. Byrd
Richard C. Danysh
John A. Ferguson, Jr.
Victoria Garcia
J. Joe Harris
Russell S. Johnson
Mark A. Jones
James H. Kizziar, Jr.
George P. Parker, Jr.
Raquel G. Perez
Frank Z. Ruttenberg
Annalyn G. Smith
Marc F. Wiegand
J. Tullos Wells
Roberta J. Hegland
Colleen M. McHugh
Robert S. Nichols
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Grant R. Decker
Patrick T. Dulany
Kurt C. Rommel
William L. Stauffer, Jr.

