

**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: Melissa B. Vossmer; Steven F. Hodges; File

SUBJECT: Ordinance acquiring fee simple title and payment of title fees associated with the Plumnear Flood Area Project

DATE: March 13, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes 2001 Certificates of Obligation funds in the amount of \$2,000.00 and the reimbursement of \$6,000.00 from the Federal Emergency Management Agency (FEMA) for a total amount of \$8,000.00 payable to Stewart Title Agency as escrow agent for Vector Partners V., Ltd. for Fee Simple Title to one parcel (\$7,500.00), and Title Fees (\$500.00), in connection with the Plumnear Flood Area Project located in Council District 4.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

The City of San Antonio experienced historic flooding on October 17, 1998 which caused extensive damage to different areas of the City. The Plumnear Area was one of the four areas impacted by the flooding. Surveys within these areas found several citizens who wanted to be relocated from these areas, some of which are in flood plain areas.

The buyout program addresses structures that were impacted by floodwaters within flood plain areas. It is the City's intent to pursue the maximum level (75%) of reimbursement for the financial costs associated with these activities from the State of Texas Hazard Mitigation Grant Program who are the local administrators for Federal Emergency Management Agency (FEMA) Funds.

Under Phase I of the 1998 Flood Buyout, there were 302 total offers made and 259 closed under this voluntary buyout program. The remaining 43 property owners did not agree to sell or were unable to provide clear title. This property owner has resolved title issues and wishes to sell.

The City is proceeding with purchase of this property now that title has been cured for this vacant tract of land. The expected completion date for Phase I of the 1998 Flood Buyout is December 2003.

POLICY ANALYSIS

This action is consistent with the City's commitment and plans to address those concerns from citizens affected by the 1998 flood.

FISCAL IMPACT

This is a one-time capital improvement expenditure. Funds in the amount of \$2,000.00 (25%) are available from 2001 Certificates of Obligations and included in the FY03-FY08 Capital Improvement Program Budget. This item is within budget and represents a portion of a total estimated City project cost of \$622,444.00. Of the total \$8,000.00, funds in the amount of \$6,000.00 (75%) will be reimbursed by the Federal Emergency Management Agency (FEMA). Any amounts not reimbursed by FEMA will be funded from 2001 Certificates of Obligation funds. This ordinance authorizes funds in the total amount of \$8,000.00 payable to Stewart Title Agency.

COORDINATION

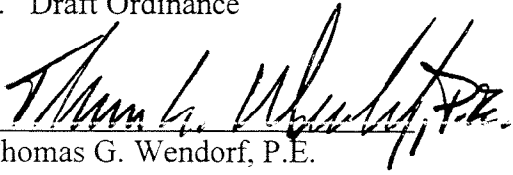
This ordinance was coordinated with the City Attorney's Office, Office of Management and Budget and the Finance Department.

SUPPLEMENTARY COMMENTS

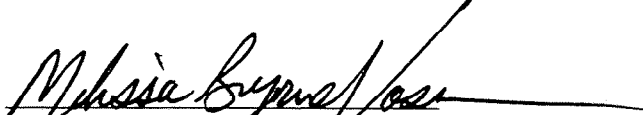
A copy of the executed Discretionary Contracts Disclosure Form is attached.

ATTACHMENTS

1. Project Map
2. Discretionary Contract Disclosure Form
3. Draft Ordinance


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

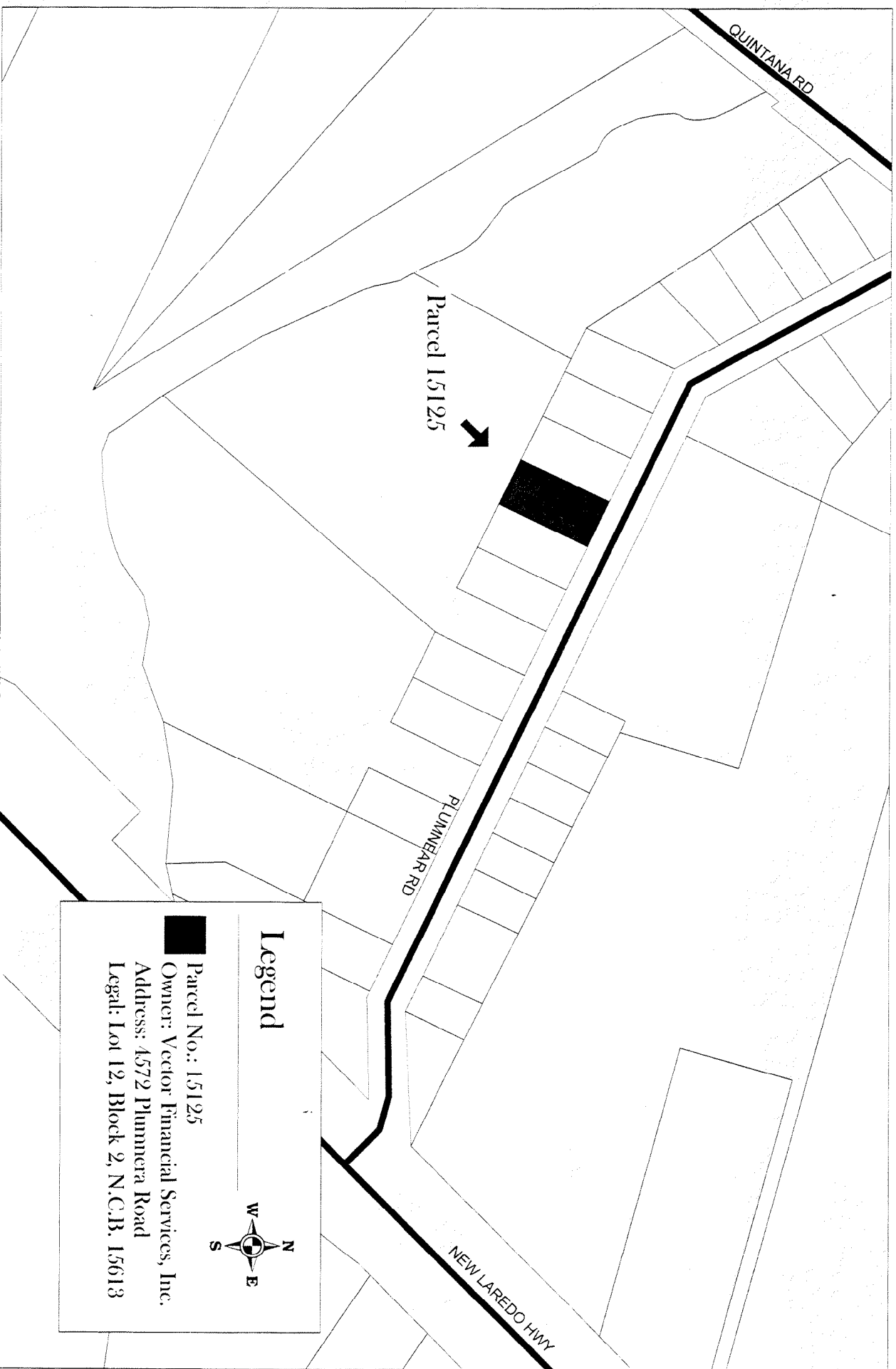
2/26/03


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

Plumnear Flood Project



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**¹ that would be a party to the discretionary contract:

Stewart Title Company of San Antonio
2961-Mossrock
San Antonio, TX 78230

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;

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.

City of San Antonio

Discretionary Contracts Disclosure*

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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:
Candidate for Mayor Ed GARZA	\$250.00	5/01/2001

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.

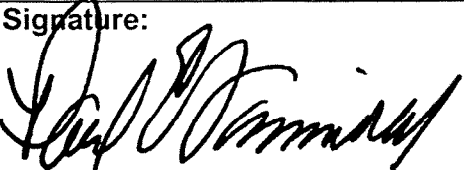
NONE

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.

City of San Antonio
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Signature: 	Title: President Company: Stewart Title Company of San Antonio	Date: 10/31/02