

CITY OF SAN ANTONIO  
City Manager's Office  
Interdepartmental Correspondence Sheet

AGENDA ITEM NO. 29

**TO:** Mayor and City Council

**FROM:** Susan Valis Crane, ASLA, Special Project Manager

**COPIES:** City Manager; Budget, Finance, Parks and Recreation; File

**SUBJECT:** ACQUISITION OF A 90.704-ACRE TRACT FOR THE PROPOSITION  
THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION  
PROJECT

**DATE:** April 10, 2003

**SUMMARY AND RECOMMENDATION**

An ordinance authorizing payment to Ticor Title Company in the amount of \$500,450.00 as escrow agent for fee simple purchase of a 83.717-acre tract of land situated between the Windgate Ranch and Highway 211 in northwest Bexar County, Texas, under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project; accepting by donation a 6.987-acre tract of land situated in Medina County; authorizing payment of \$5,000.00 to The Trust for Public Land for its services in negotiating, investigating and purchasing said property; authorizing the execution of a real estate purchase contract to accomplish said purchase.

This proposed ordinance is for a fee simple purchase of 83.717-acre tract of land known as the Schuchardt tract as part of the Proposition Three Edward's Land Acquisition Program. The Trust for Public Land will close on the tract first and then resell it to the City of San Antonio for the same purchase price. As part of that transaction a 6.987-acre tract of land located in Medina County will be donated to the City. The Schuchardt tract is contiguous to the previously acquired Windgate Ranch property to the east and Highway 211 and the Mayberry and Hampton tracts to the west for a total purchase price of \$500,000.00.

This parcel is presented for consideration to the City Council under the Proposition Three Edwards Land Acquisition and Park Expansion Project approved by the voters on May 6, 2000. The Conservation Advisory Board reviewed and recommended purchase on March 17, 2003, and the Planning Commission approved this purchase on April 9, 2003. The Balanced Growth Committee was briefed on January 23, 2003 on the efforts of the City of San Antonio to purchase the property.

This 90.704-acre tract of land is located along Highway 211 and is contiguous to the previously purchased Windgate tract. It is also across Highway 211 from the Mayberry and Hampton tracts. Access to the site is from Highway 211 and serves to continue the process of preservation of the aquifer recharge zone. The 90.704 acres did not have a tiered designation on the Scientific Evaluation Team GIS model because of some acreage in the tract located in Medina County. However, the acquisition of this 90.704-acre tract will prevent further residential development, secure another entry into the Windgate tract from Highway 211 and protect another 90 acres of Edwards Aquifer recharge zone land.

In keeping with the direction of the Conservation Advisory Board, this helps to further the goal of consolidating acquisitions whenever possible for greater enhancement of water quality and quantity recharging into Edwards Aquifer.

Staff recommends approval of the ordinance.

### **POLICY ANALYSIS**

The property proposed for a fee-simple purchase was not identified in the spatial model that was created for this project because 6.987 acres of the tract are inside Medina County. However, adjacency to the tier one designated Windgate Ranch property would indicate that it would have a fair designation if it had been ranked on the the Scientific Evaluation Team GIS model. The model is composed of forty-three (43) different layers that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County and this tract is located over the Edwards Aquifer Recharge Zone and has a high potential for recharge features.

This proposed action is consistent with policy adopted by the City Council for the preservation and conservation of the Edward's Aquifer sensitive areas as presented in Proposition Three of the Better Future Sales Tax Initiative passed and approved by the voters on May 6, 2000.

### **FINANCIAL DATA**

This project is funded by the one-eighth sales and use tax in the special revenue Parks Development and Expansion Fund.

#### **TOTAL COSTS FOR ACQUISITION:**

<b>Land Cost</b> (appraised value is \$500,000 for 83.717 acres at \$5,960/acre)	<b>\$500,000.00</b>
<b>Land Donation in Medina County</b> (6.987 acres)	<b>\$0.00</b>
<b>1% Administrative costs for The Trust for Public Land</b>	<b>\$5,000.00</b>
<b>Due diligence costs: (paid under an MOU with SARA)</b>	
1. Environmental Assessment –Loomis-Austin	\$2,500.00
2. Survey-Brown Engineering	\$4,263.00
3. Appraisal-Mealer Commercial	\$3,300.00
4. Closing Costs (tax certificate and recording fees) Ticor Title	\$450.00
<b>TOTAL COST for the 90.704 acres:</b>	<b>\$515,513.00</b>

## SUPPLEMENTARY COMMENTS

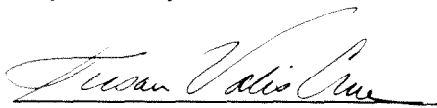
The table below outlines the acreage acquired and total land budget expensed as a result of this acquisition.

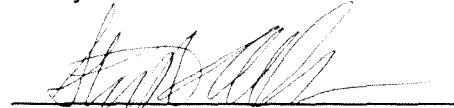
TOTALS:	
Acquired to date: <b>4,935.210 acres</b>	Expensed to Date: <b>27,061,323.57</b>
This acquisition: <b>90.704 acres</b>	<b>\$500,000.00</b>
<b>Total acres with this acquisition: 5,025.914 acres</b>	<b>Total expensed with this acquisition: \$27,561,323.57</b>
	<b>74.44% land acquisition budget expensed (based on a land budget of \$36,350,000.00)</b>

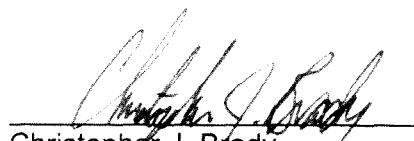
The disclosure forms submitted by Loomis-Austin, Brown Engineering, Mealer Commercial, and Tigor Title are attached hereto.

## COORDINATION

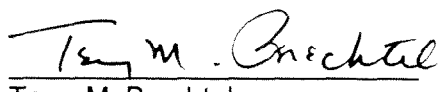
This request for ordinance has been coordinated with the Parks and Recreation Department, City Attorney's Office and the Finance Department for availability of funds.

  
Susan Valis Crane, ASLA  
Special Project Manager

  
reviewed by Stephen Whitworth  
City Attorney's Office

  
Christopher J. Brady  
Assistant City Manager

APPROVED:

  
Terry M. Brechtel  
City Manager



WINDGATE RANCH

WINDGATE RANCH

WINDGATE RANCH

## 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:

N/A

(2) the identity of any business entity<sup>1</sup> that would be a party to the discretionary contract:

Loomis Austin, Inc.

and the name of:

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

N/A

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:

N/A

<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.

(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.

N/A


#### 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:
N/A		

#### 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.

Signature: 	Title: Accounting Admin - Company:	Date: 3/25/03

<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.

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- (1) the identity of any individual who would be a party to the discretionary contract;

Not Applicable.

- (2) any individual or business entity<sup>1</sup> that would be a party to the discretionary contract SARA Project #2361101, Edwards Parklands Acquisition

Prime:	Brown Engineering Company (BECO)	
	Jeffrey J. Brown	51%
	Mark S. Brown	49%

and the name of:

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

Subcontractors:

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;

Not Applicable.

<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**  
 Page Two

- (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.

Not Applicable.

**Political Contributions**

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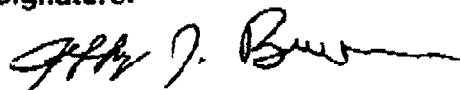
Prime or Subconsultant:	To Whom Made:	Amount:	Date of Contribution:
BECO	None		

**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 would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Not Applicable.

Signature:



Jeffrey J. Brown, P.E., President  
 Brown Engineering Co.

Date:

March 26, 2003

<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.



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(1) the identity of any individual who would be a party to the discretionary contract:

Bobby G. MEALER

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

MEALER Commercial REAL ESTATE  
Services

and the name of:

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

N/A

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:

N/A

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N/A

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To Whom Made:	Amount:	Date of Contribution:
JOSE MENENDEZ	\$100	2/2002

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Signature: <i>Bobby Mealer</i>	Title: <i>Owner / Appraiser</i> Company: <i>Mealer Commercial Real Estate</i>	Date: <i>3/24/03</i>

<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 refusal or require careful consideration of whether or not refusal is required.

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(1) the identity of any individual who would be a party to the discretionary contract:

--

(2) the identity of any business entity<sup>1</sup> that would be a party to the discretionary contract:

TICOR TITLE AGENCY OF SAN ANTONIO
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and the name of:

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

--

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:

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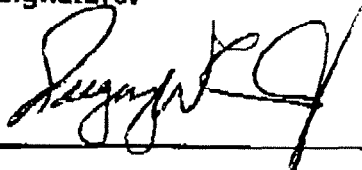
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To Whom Made:	Amount:	Date of Contribution:
SEE ATTACHED EXHIBIT OF JOHN PAUL ROGERS, PRESIDENT OF TICOR TITLE AGENCY OF SAN ANTONIO		

### Disclosures in Proposals

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Signature: 	Title: <i>VICE PRESIDENT</i> Company: <i>TICOR TITLE AGENCY</i>	Date: <i>3/27/2003</i>

<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.

Exhibit of Political Contributions  
by  
John Paul Rogers  
President of Ticor Title Agency of San Antonio  
March 26, 2001 to March 25, 2003

<u>To Whom Made</u>	<u>Amount</u>	<u>Date of Contribution</u>
Carroll Schubert Campaign	\$250.00	May, 2001
Roland Gutierrez Campaign	\$250.00	May, 2001
Enrique Barrera Campaign	\$500.00	June, 2001
SABPAC	\$150.00	July, 2001
Toni Moorehouse Campaign	\$100.00	January, 2002
Enrique Barrera Campaign	\$100.00	July, 2002
Carroll Schubert Campaign	\$100.00	July, 2002