

**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; Robert Ojeda, File

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

DATE: May 15, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$27,545.71 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Escalon Street #1008 Drainage project (\$18.00), Fire Station No. 25 project (\$108.00), Hi-Lions Drainage #80, Phases III & V project (\$290.55), Hildebrand Avenue from IH10 to Breeden MPO project (\$24,991.21), Octavia Drainage #63, Phase II, Part I project (\$216.00), San Pedro Avenue from Quincy to Romana MPO project (\$505.35), and the Wurzbach Road at IH10 and Ironside Intersections project (\$1,416.60). 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.

Escalon Street # 1008 Drainage – All of the necessary parcels have been acquired in this 10-parcel project. Construction on this project is complete.

Fire Station No. 25 – All of the necessary parcels have been acquired 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 in the design phase and is scheduled to let in October 2003, begin construction December 2003, and be completed by December 2004.

Hi-Lions Drainage Project #80, Phases III and V – There are 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 from IH10 to Breeden (MPO) – All of the necessary parcels have been acquired 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.

Octavia Drainage #63, Phase II, Part I – There are 72 signed instruments in the 74-parcel project. The two remaining parcels are in negotiation. Phase I of this project is complete. Phase II was let for contract in March 2003, and is scheduled start construction June 2003, and be completed by April 2004. The scope of Phase II provides for underground storm drainage improvements along Hart and Pleasanton Road. Reconstruction will include curbs, four-foot sidewalks, concrete driveway approaches, and retaining walls.

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

Wurzbach Road at IH10 and Ironside Intersection (MPO) Project - We have acquired all of the necessary parcels in this 12-parcel project. This project will be let by Texas Department of Transportation in September 2003 and is scheduled to start construction December 2003, and be completed by December 2005. Wurzbach Road at IH10 will widen the existing 30-ft. roadway to 56-ft. to lengthen the left turn lanes from 46-ft. to 79-ft. Wurzbach at Ironside will widen the existing 2-lane northbound approaches to 36-feet for a right turn lane. This project will let for contract in September 2003 and is scheduled to start construction in December 2003, and be completed by December 2005.

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

ESCALON STREET DRAINAGE PROJECT #1008

This is a one-time capital improvement expenditure. Funds in the amount of \$18.00 are available from 1994 General Obligation Drainage Improvement Bonds. This item is within budget. This item represents a portion of a total estimated City project cost of \$1,962,868.00.

FIRE STATION NO. 25

This is a one-time capital improvement expenditure. Funds in the amount of \$108.00 are available from 1999 Certificates of Obligation. This item is within budget. This item represents a portion of a total estimated City project cost of \$2,128,000.00.

HI-LIONS DRAINAGE #80, PHASE III & V

This is a one-time capital improvement expenditure. Funds in the amount of \$290.55 are available from 1987 General Obligation Drainage Improvement Bonds. This item is within budget. This item represents a portion of a total estimated City project cost of \$10,151,786.00.

HILDEBRAND AVENUE FROM IH10 TO BREEDEN (MPO)

This is a one-time capital improvement expenditure. Funds in the amount of \$24,991.21 are available from 1996 Certificates of Obligation. This item is within budget. This item represents a portion of a total estimated City project cost of \$550,453.00.

OCTAVIA DRAINAGE #63, PHASE II, PART I

This is a one-time capital improvement expenditure. Funds in the amount of \$216.00 are included in the FY03-FY08 Capital Improvement Program Budget. Funds are available from 1999 General Obligation Drainage Improvement Bonds. This item is within budget and represents a portion of a total estimated City project cost of \$1,712,860.00.

SAN PEDRO AVENUE FROM QUINCY TO ROMANA (MPO)

This is a one-time capital improvement expenditure. Funds in the amount of \$505.35 are available from 1996 Certificates of Obligation. This item is within budget. This item represents a portion of a total estimated City project cost of \$120,804.02.

WURZBACH AT IH10 AND IRONSIDE INTERSECTIONS (MPO)

This is a one-time capital improvement expenditure. Funds in the amount of \$1,416.60 are included in the FY03-FY08 Capital Improvement Program Budget. Funds are available from 2001 Certificates of Obligation. This item is within budget and represents a portion of a total estimated City project cost of \$1,426,945.52.

Funds in the amount of \$27,545.71 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1987 General Obligation Drainage Improvement Bonds	\$ 290.55
1994 General Obligation Drainage Improvement Bonds	\$ 18.00
1996 Certificates of Obligation	\$ 25,496.56
1999 Certificates of Obligation	\$ 108.00
1999 General Obligation Drainage Improvement Bonds	\$ 216.00
2001 Certificates of Obligation	<u>\$ 1,416.60</u>
	\$ 27,545.71

COORDINATION


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

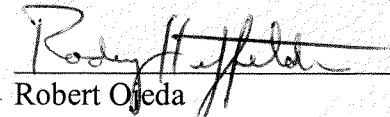
SUPPLEMENTARY COMMENTS

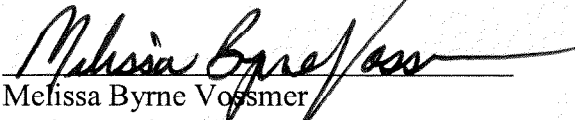
The Discretionary Contracts Disclosure statement required by the Ethics Ordinance is included.

ATTACHMENTS


1. Discretionary Contracts Disclosure Form


 Thomas G. Wendorf, P.E.
 Director of Public Works
 5/5/03

for 
 Robert Ojeda
 Fire Chief


 Melissa Byrne Voosmer
 Assistant City Manager

Approved:


 Terry M. Brechtel
 City Manager

ATTACHMENT 1

FISCAL DATA

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

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$18.00 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds fund balance from 45-468 for 45-468009, Index Code 497784.

This item is within budget.

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

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

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$108.00 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, Index Code 625863.

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 improvement expenditure.

Funds in the amount of \$290.55 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1987 General Obligation Drainage Improvement Bonds fund balance from 45-766 for 45-766021, Index Code 632174.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$10,151,786.00.

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

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$24,991.21 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation fund balance from 43-617 for 43-617012, Index Code 563528.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$550,453.00.

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

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$216.00 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1999 General Obligation Drainage Improvement Bonds for 45-969014, Index Code 684381.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,712,860.00.

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

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$505.35 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation fund balance from 43-617 for 43-617008, Index Code 464800.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$120,804.02.

Project Name: WURZBACH AT IH10 AND IRONSIDE INTERSECTIONS (MPO)
PROJECT
Council District 8

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$1,416.60 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 2001 Certificates of Obligation, transferred to Fund 43-617037, Index Code 648188.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,426,945.52.

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**¹ 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.

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:
Ed Garza	\$6,575.00	All within the last 24 months.
Art Hall	\$600.00	
Carroll Schubert	\$2,900.00	
Roger Perez	\$500.00	
Tim Bannwolf	\$23,900.00	
Bobby Perez	\$300.00	
Debra Guerrero	\$500.00	
Patti Radle	\$700.00	
Roger Flores, Jr.	\$250.00	

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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Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply.

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Signature: 	Title: Partner in Charge - San Antonio Office Company: Bracewell & Patterson, L.L.P.	Date: 5/1/03

J. Tullos Wells