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 Byrne Vossmer, Lou Lendman, Milo Nitschke, Andrew Martin, Steve Hodges, and File

SUBJECT: Ordinance Authorizing the expenditure of $8,400.00 for Fee Simple Title to one parcel in connection with the Octavia Drainage #63, Phase II Part I project

DATE: June 5, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of $8,400.00 payable to Lawyers Title of San Antonio as escrow agent for JPMORGAN CHASE BANK, Trustee of the William and Chave Gonzaba Grantor Trust U/A Dated 9/19/89, for fee simple title to one parcel ($7,800.00), and title fees ($600.00), in connection with the Octavia Drainage #63, Phase II Part I project, an authorized 1999 General Obligation Drainage Improvement Bond project, located in Council District 5.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

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 April 2003, and is scheduled to start construction July 2003, and be completed by May 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.

POLICY ANALYSIS

The acquisition of this property is necessary to complete this real estate transaction in this project.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of $8,400.00 are available from 1999 General Obligation Drainage Improvement Bonds. This item represents a portion of a total estimated City project cost of $1,712,860.00.
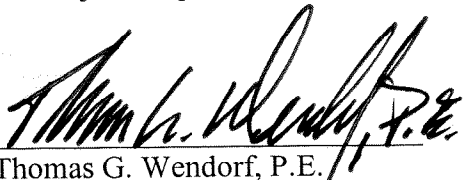
COORDINATION

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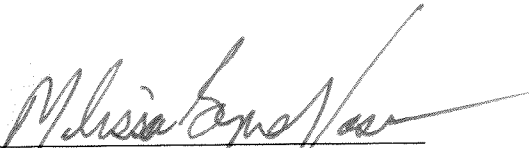
SUPPLEMENTARY COMMENTS

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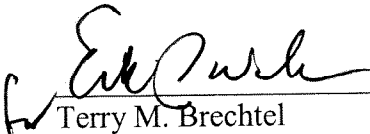
ATTACHMENTS

1. Discretionary Contracts Disclosure Form.
2. Project Map.

5/22/03

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

Melissa Byrne Vossmer
Assistant City Manager

Approved:

Terry M. Brechtel
City Manager

ATTACHMENT 1

FISCAL DATA

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 $8,400.00 are included in the FY03-FY08 Capital Improvement Program Budget.
Funds are available from 1999 General Obligation Drainage Improvement Bonds for 45-969014.
This item is within budget.
This item represents a portion of a total estimated City project cost of $1,712,860.00.

Request this ordinance create Index Code in Fund 45-969014 for Land Acquisition and Title Fees.

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

Lawyers Title Company of San Antonio

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;

Lawyers Title Insurance Corporation

LandAmerica, Inc.

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[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.

COSA Form 1050-33-2, Doc2.rtf, 06/01/01, Rev. 09/12/02

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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.

> 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.

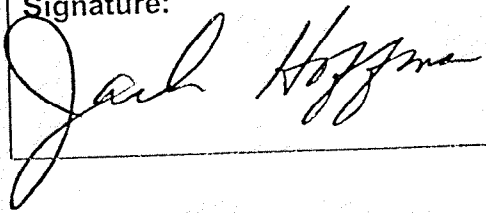| To Whom Made:	Amount:	Date of Contribution:
N/A		

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[2] 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.

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[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: *Jack Hoffman* | Title: SR VICE PRES | Date: 10/23/02 |
| | Company: LAWYERS TITLE Company OF SAN ANTONIO | |

Octavia Drainage # 63

RT AV W

KOEPKE AV

FLORES ST S

Parcel 13604

BEATRICE ST

LEGEND

Parcel 13604
Owner: JP Morgan Chase/
Gonzaba
Address: 4806 South Flores

N
W E
S

NOT TO SCALE