

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
PUBLIC WORKS DEPARTMENT**

CONSENT AGENDA  
ITEM NO. **23**

**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, Lou Lendman, Milo Nitschke, Andrew Martin, Robert Ojeda, Steven F. Hodges, and File

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

**DATE:** June 19, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$41,469.04 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Basse Road and San Pedro Intersection MPO project (\$90.00), Bitters Road – West Avenue to Heimer MPO project (\$234.00), Blanco Road and Jackson Keller Intersection MPO project (\$612.00), Escalon Street #1008 Drainage project (\$216.00), Fire Station No. 25 project (\$54.00), Hi-Lions Drainage #80, Phases III & V project (\$185.00), Hildebrand Avenue from IH10 to Breeden MPO project (\$38,907.01), Octavia Drainage #63, Phase II, Part I project (\$90.00), San Pedro Avenue from Quincy to Romana MPO project (\$594.00), W. W. White Phase I – Rigsby to Lord Road project (\$401.88), and the Wurzbach Road at IH10 and Ironside Intersections project (\$85.15). 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.

**Basse Road and San Pedro Intersection (MPO)** – All of the necessary parcels have been acquired in the 14-parcel project. Construction on this project is complete.

**Bitters Road from West Avenue to Heimer (MPO)** – There are six signed instruments and one condemned parcel in the nine-parcel project. Two parcels have been submitted to the City Attorney's Office for condemnation proceedings. This project will let for contract in June 2003 by the Texas Department of Transportation, start construction August 2003, and be completed by August 2004. The scope of this project includes the widening of the existing roadway to seven lanes, adding left and right turn lanes at U.S. 281 to facilitate traffic through the intersection of U.S. 281, and upgrade traffic signalization. This project will also include the construction of six-foot sidewalks at the curb.

**Blanco Road at Jackson Keller Intersection (MPO)** – All of the necessary parcels have been acquired in this nine-parcel project. Construction on this project is complete.

**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 October 2003, start 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 July 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 2003. 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 April 2003, 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.

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

**W. W. White Road from Rigsby to Lord Road** – There are 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 will let for contract in June 2003, start construction August 2003, and be completed by September 2004. The scope of work for this project includes drainage improvements along W.W. White Road from Rigsby to Lord Road, and Rigsby from W.W. White Road to Salado Creek. It also includes drainage on Dell Crest from Sea Breeze to Rigsby.

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

### **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**

#### **BASSE ROAD AND SAN PEDRO INTERSECTION (MPO)**

This is a one-time capital improvement expenditure within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$90.00 are available from 1996 Certificates of Obligation. This item represents a portion of a total estimated City project cost of \$778,296.00.

#### **BITTERS ROAD FROM WEST AVENUE TO HEIMER (MPO)**

This is a one-time capital improvement expenditure within budget and is included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$234.00 are available from 2000A Certificates of Obligation. This item represents a portion of a total estimated City project cost of \$1,836,094.00.

#### **BLANCO ROAD AND JACKSON KELLER INTERSECTION (MPO)**

This is a one-time capital improvement expenditure within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$612.00 are available from 1996 Certificates of Obligation. This item represents a portion of a total estimated City project cost of \$442,503.00.

#### **ESCALON STREET DRAINAGE PROJECT #1008**

This is a one-time capital improvement expenditure within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$216.00 are available from 1994 General Obligation Drainage Improvement Bonds. 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 within budget and is included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$54.00 are available from 1999 Certificates of Obligation. 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 within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$185.00 are available from 1987 General Obligation Drainage Improvement Bonds. 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 within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$38,907.01 are available from 1996 Certificates of Obligation. This item represents a portion of a total estimated City project cost of \$580,810.00.

**OCTAVIA DRAINAGE #63, PHASE II, PART I**

This is a one-time capital improvement expenditure within budget and is included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$90.00 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.

**SAN PEDRO AVENUE FROM QUINCY TO ROMANA (MPO)**

This is a one-time capital improvement expenditure within budget and is included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$594.00 are available from 1996 Certificates of Obligation. This item represents a portion of a total estimated City project cost of \$120,804.02.

**W. W. WHITE PHASE I FROM RIGSBY TO LORD ROAD**

This is a one-time capital improvement expenditure within budget and is included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$401.88 are available from 1994 General Obligation Drainage Bonds. This item represents a portion of a total estimated City project cost of \$5,029,635.00.

**WURZBACH AT IH10 AND IRONSIDE INTERSECTIONS (MPO)**

This is a one-time capital improvement expenditure within budget and is not included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$85.15 are available from 2001 Certificates of Obligation. This item represents a portion of a total estimated City project cost of \$1,431,225.00.

Funds in the amount of \$41,469.04 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1987 General Obligation Drainage Improvement Bonds	\$ 185.00
1994 General Obligation Drainage Improvement Bonds	\$ 617.88
1996 Certificates of Obligation	\$ 40,203.01
1999 Certificates of Obligation	\$ 54.00
1999 General Obligation Drainage Improvement Bonds	\$ 90.00
2000A Certificates of Obligation	\$ 234.00
2001 Certificates of Obligation	\$ 85.15
	<u>\$ 41,469.04</u>

### **COORDINATION**

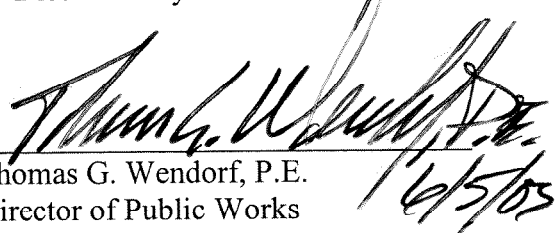
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the City Attorney's Office, the Fire Department, and the Texas Department of Transportation.

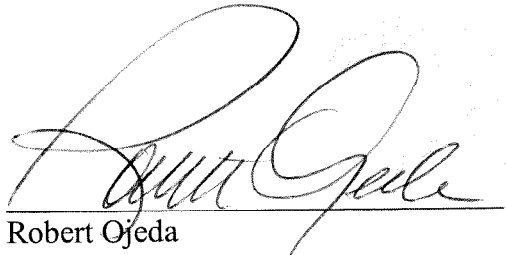
### **SUPPLEMENTARY COMMENTS**

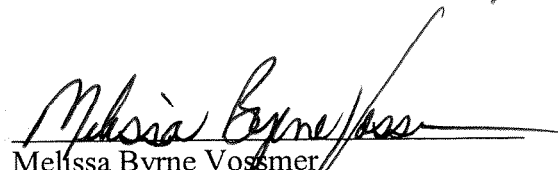
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is included.

### **ATTACHMENTS**

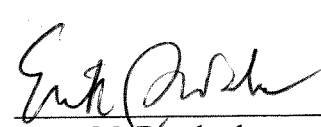
1. Discretionary Contracts Disclosure Form

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

  
Robert Ojeda  
Fire Chief

  
Melissa Byrne Vossmer  
Assistant City Manager

Approved:

  
Terry M. Brechtel  
City Manager

# 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**<sup>1</sup> 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.

<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\*

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.

(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 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.


None.

<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.

**City of San Antonio**  
**Discretionary Contracts Disclosure\***

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

J. Tullos Wells