

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

ITEM NO. 17

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, Steven F. Hodges, and File

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

DATE: October 16, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$73,637.67 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Ashley Road – Bascum to S. Flores project (\$1,080), Blanco Road & Jackson Keller Intersection MPO project (\$108), Bitters Road – West Avenue to Heimer MPO project (\$144), Escalon Street #1008 Drainage project (\$11.10), Hi-Lions Drainage #80, Phases III & V project (\$882), Hildebrand Avenue from IH10 to Breeden MPO project (\$70,105.08), Larkspur – West Avenue to Baltic Project (\$3), Octavia Drainage #63, Phase II, Part I project (\$373.44), Pleasanton Road – Southcross to Mayfield MPO project (\$666), Western Avenue Drainage #74 III-A project (\$228.15), and the Wurzbach Road at I.H. 10 and Ironside Intersections project (\$36.90). 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.

Ashley Road from Bascum Blvd. to South Flores – There are 58 signed instruments in the 60 parcel project. Two parcels have been submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

Bitters Road from West Avenue to Heimer (MPO) – There are five signed instruments and five condemned parcel in the 10-parcel project. This project is currently under construction and scheduled to be completed in 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.

Hi-Lions Drainage Project #80, Phases III and V – There are 68 signed instruments in the 70-parcel project. The two remaining parcels are in negotiations. This project is currently under construction and is scheduled to be completed in October 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) – There are 23 signed instruments and three condemned parcels in the 26-parcel project. Construction on this project is complete.

Larkspur – West Avenue to Baltic Project – There are two parcels to be acquired in this two-parcel project. This project is currently under final design. Advertisement is scheduled for November 2003, with construction to begin in February 2004, and scheduled to be completed in February 2005. The scope of this project includes the reconstruction of Larkspur, from Baltic to West Avenue, to a typical 30-foot width. The project will include parkway improvements such as new curbs, sidewalks, and driveway approaches. Necessary storm sewer and utility improvements will also be provided.

Octavia Drainage #63, Phase II, Part I – There are 72 signed instruments in the 74-parcel project. The two remaining parcels are in negotiations. Phase I of this project is complete. Phase II will start construction in November 2003, and scheduled to be completed in July 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.

Pleasanton Road from Southcross to Mayfield (MPO) Project – There are 17 signed instruments and three condemned parcels in the 20-parcel project. This project is currently under construction and is scheduled to be completed in March 2004. The scope of this project includes the reconstruction and widening of the existing four lanes to four lanes with a center turn lane (56 feet wide), curbs, five-foot sidewalks against the curbs, driveway approaches, necessary drainage, and intersection improvements at Southcross.

Western Avenue Drainage Project #74, Phase III A – There are 17 signed instruments and eight condemned parcels in the 25-parcel project. This project is currently under construction and is scheduled to be completed in October 2003. The scope of this project includes the construction of a concrete drainage channel through Northern Boulevard at the existing low water crossing, which will result in the permanent closure of Northern Boulevard. A cul-de-sac will be built on Northern Boulevard at the west side of the proposed channel and guard rail will be installed on the east side of the proposed channel.

Wurzbach Road at I.H. 10 and Ironside Intersection (MPO) - All of the necessary parcels have been acquired in this 12-parcel project. Advertisement is scheduled for December 2003 by the Texas Department of Transportation, with construction to begin in February 2004, and scheduled to be completed in July 2005. The scope of work for Wurzbach Road at I.H. 10 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 two-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

Ashley Road – Bascum to S. Flores

This is a one-time capital improvement expenditure within budget and is included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$1,080 are available from 1987 General Obligation Street Improvement Bonds.

Bitters Road – West Avenue to Heimer MPO

This is a one-time capital improvement expenditure within budget and is included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$144 are available from Unissued Certificates of Obligation.

Blanco Road and Jackson Keller Intersection (MPO)

This is a one-time capital improvement expenditure within budget and is not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$108 are available from 1996 Certificates of Obligation.

Escalon Street Drainage Project #1008

This is a one-time capital improvement expenditure within budget and is not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$11.10 are available from 1994 General Obligation Drainage Improvement Bonds.

Hi-Lions Drainage #80, Phase III & V

This is a one-time capital improvement expenditure within budget and is not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$882 are available from 1987 General Obligation Drainage Improvement Bonds.

Hildebrand Avenue from I.H. 10 to Breeden (MPO)

This is a one-time capital improvement expenditure within budget and is not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$70,105.08 are available from 2002 Certificates of Obligation.

Larkspur – West Avenue to Baltic

This is a one-time capital improvement expenditure within budget and is included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$3 are available from 1999 General Obligation Street Improvement Bonds.

Octavia Drainage #63, Phase II, Part I

This is a one-time capital improvement expenditure within budget and is not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$373.44 are available from 1994 General Obligation Drainage Improvement Bonds.

Pleasanton Road - Southcross to Mayfield MPO

This is a one-time capital improvement expenditure within budget and is included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$666 are available from 2002 Certificates of Obligation.

Western Avenue Drainage Project #74, Phase III A

This is a one-time capital improvement expenditure within budget and is included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$228.15 are available from 1985 General Obligation Drainage Improvement Bonds.

Wurzbach at I.H. 10 and Ironside Intersections (MPO)

This is a one-time capital improvement expenditure within budget and is not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$36.90 are available from 1996 Certificates of Obligation.

Funds in the amount of \$73,637.67 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1985 General Obligation Drainage Improvement Bonds	\$ 228.15
1987 General Obligation Drainage Improvement Bonds	\$ 882.00
1987 General Obligation Street Improvement Bonds	\$ 1,080.00
1994 General Obligation Drainage Improvement Bonds	\$ 384.54
1996 Certificates of Obligation	\$ 144.90
1999 General Obligation Street Improvement Bonds	\$ 3.00
2002 Certificates of Obligation	\$ 70,771.08
Unissued Certificates of Obligation	\$ 144.00
	<u>\$ 73,637.67</u>

COORDINATION

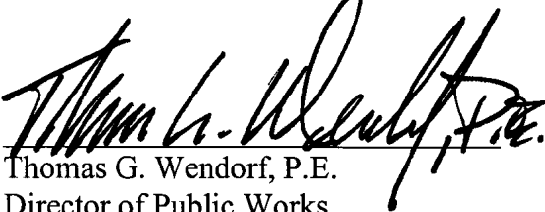
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the City Attorney's Office, and the Texas Department of Transportation.

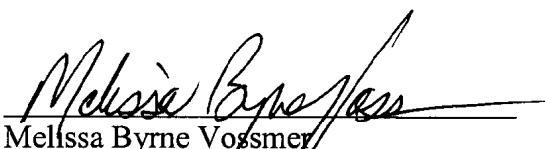
SUPPLEMENTARY COMMENTS

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

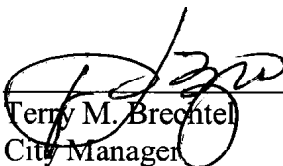
ATTACHMENTS

1. Discretionary Contracts Disclosure Form

 10/3/03
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: ASHLEY ROAD – BASCUM BLVD. TO S. FLORES
Council District 3

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$1,080 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1987 General Obligation Street Improvement Bonds transferred to fund 45-717152.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,479,097.54.

Project Name: BITTERS ROAD – WEST AVENUE TO HEIMER (MPO) PROJECT
Council District 9

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$144 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from Unissued Certificates of Obligation transferred to Fund 43-070004, Index Code 617365.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,836,094.

Project Name: BLANCO ROAD AND JACKSON KELLER INTERSECTION (MPO) PROJECT
Council District 1 and 9

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$108 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation fund balance from 43-617 for 43-617003, Index Code 460535.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$442,719.

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 \$11.10 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds fund balance 45-460 transferred to Fund 45-460008, Index Code 488585.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,961,868.

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 \$882 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1987 General Obligation Drainage Improvement Bonds fund balance Fund 45-766 transferred to Fund 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.

Project Name: HILDEBRAND AVENUE FROM IH10 TO BREEDEN (MPO) PROJECT
Council District 1

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$70,105.08 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2002 Certificates of Obligation fund balance 43-172 for 43-617012, Index Code 563528.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$705,092.

Project Name: LARKSPUR – WEST AVENUE TO BALTIC PROJECT
Council District 9

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$3 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1999 General Obligation Street Improvement Bonds transferred to Fund 45-979077.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,135,545.

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 \$373.44 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds transferred to 45-969014, Index Code 684381.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,797,737.

**Project Name: PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD (MPO)
PROJECT
Council District 5**

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$666 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2002 Certificates of Obligation for 43-617014, Index Code 685180.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,462,475.

**Project Name: WESTERN AVENUE DRAINAGE PROJECT #74 III A PROJECT
Council District 9**

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$228.15 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1985 General Obligation Drainage Improvement Bonds transferred to Fund 45-506454, Index Code 564187.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$152,000.

**Project Name: WURZBACH AT I.H. 10 AND IRONSIDE INTERSECTIONS (MPO)
PROJECT
Council District 8**

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$36.90 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1996 Certificates of Obligation, transferred from 43-617 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 \$1,443,967.

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

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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.

City of San Antonio
Discretionary Contracts Disclosure*

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Attach additional sheets if space provided is not sufficient.
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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