

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

SUBJECT: Ordinance Authorizing Payment of Legal Fees Incurred in Land Acquisition related to Community Development Block Grant CDBG Projects

DATE: September 4, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes Community Development Block Grant (CDBG) funds in the amount of \$795.75 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Chico – Knox & Margil Community Development Block Grant (CDBG) project (\$54), and the Fay Phase I Community Development Block Grant (CDBG) project (\$741.75). These projects are located in Council District 5.

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.

Chico-Knox & Margil (CDBG)- There are four signed instruments (one of these four instruments is pending condemnation) in the four-parcel project. Construction on this project is complete.

Fay Phase I (CDBG) - There are nine signed instruments and one condemned parcel in the 10-parcel project. This project is currently under construction and scheduled for completion by September 2003. The scope of this project consists of providing a 27-foot wide, two-lane typical roadway with underground storm water drainage. This project will reconstruct Fay from Quintana to the midpoint between Crittendon and Creighton, and Crittendon from Fay to Southcross, and includes four-foot sidewalks, curbs, and driveway approaches.

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

CHICO – KNOX & MARGIL (CDBG)

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 \$54 are available from Community Development Block Grant (CDBG) funds. This item represents a portion of a total estimated City project cost of \$304,500.

FAY PHASE I (CDBG)

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 \$741.75 are available from 27th Year Community Development Block Grant funds. This item represents a portion of a total estimated City project cost of \$540,554.

Funds in the amount of \$795.75 are available from Community Development Block Grant Funds and authorized payable to Bracewell & Patterson, L.L.P.

COORDINATION

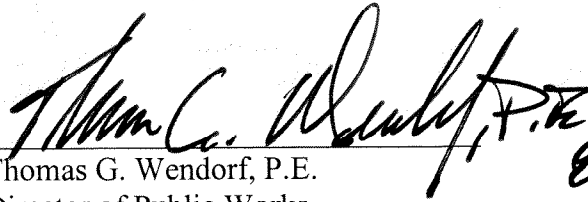
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the Housing and Community Development Department, and the City Attorney's Office.

SUPPLEMENTARY COMMENTS


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

ATTACHMENTS

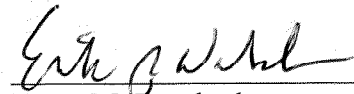
1. Discretionary Contracts Disclosure Form


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

8/21/03


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

ATTACHMENT 1

FISCAL DATA

Project Name: CHICO – KNOX & MARGIL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT
Council District 5

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$54 are not included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from Community Development Block Grant (CDBG) funds.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$304,500.

Additional funding is available in Fund 26-013489 by transferring \$54 from Index Code 372375 Construction Contingency to Index Code 337352 Legal Fees.

Project Name: FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT
Council District 5

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$741.75 are included in the FY03-FY08 Capital Improvement Program Budget.

Funds are available from 27th Year Community Development Block Grant (CDBG) funds to be transferred to Fund 26-013517, Index Code 280180.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$540,554.00.

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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Attach additional sheets if space provided is not sufficient.
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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.

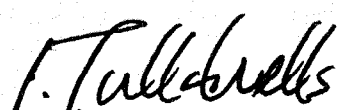
None.

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*

*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.**

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

J. Tullos Wells