

CONSENT AGENDA  
ITEM NO. 17

**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 various Capital Projects

**DATE:** November 6, 2003

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$16,510.70 payable to Davidson & Troilo, P.C., for legal services in connection with the Babcock Road/Leon Creek Improvements-Hausman to DeZavala project (\$6,922.18), Bitters Road – West Avenue to Heimer Metropolitan Planning Organization (MPO) project (\$9,507.57), and the Fire Station No. 7 project (\$80.95). These projects are located Council Districts 8 and 9, respectively, 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.

**Babcock Road/Leon Creek Improvements – Hausman to DeZavala Road** – There are 22 signed instruments and 2 condemned parcels in the 26-parcel project. The two remaining parcels have been submitted to the City Attorney's Office to begin condemnation proceedings. This project has completed construction. The scope of this project included the reconstruction of Babcock Road from Hausman to Nickle and from DeZavala to a point west of Spring Rain to a typical 44-foot width. It also included the construction of new bridges at Huesta and Leon Creeks and new curbs, sidewalks, and driveways.

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

**Fire Station No. 7** - There are two signed instruments and two condemned parcels in the four-parcel project. This project is currently under construction and scheduled to be completed in August 2004.

### **POLICY ANALYSIS**

Charges for such services are reasonable and necessary expenses related to the above mentioned projects.

### **FISCAL IMPACT**

#### **Babcock Road/Leon Creek Improvements – Hausman to DeZavala**

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 \$6,922.18 are available from 1994 General Obligation Drainage 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 \$9,507.57 are available from 2000A Issued Certificates of Obligation.

#### **Fire Station No. 7**

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 \$80.95 are available from 1999 Certificates of Obligation.

Funds in the amount of \$16,510.70 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

1994 General Obligation Drainage Improvement Bonds	\$ 6,922.18
1999 Certificates of Obligation	\$ 80.95
2000A Issued Certificates of Obligation	<u>\$ 9,507.57</u>
	\$16,510.70

## COORDINATION

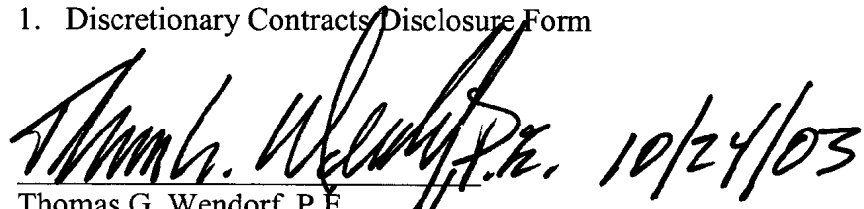
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the Fire Department, the City Attorney's Office, and the Texas Department of Transportation.


## SUPPLEMENTARY COMMENTS

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

## ATTACHMENTS

1. Discretionary Contracts Disclosure Form

  
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: BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO  
DeZAVALA PROJECT**  
Council District 8

**Budget Information:**

This is a one-time capital improvement expenditure.

Funds in the amount of \$6,922.18 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds transferred to Fund 45-746013, Index Code 632273.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$5,863,901.

**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 \$9,507.57 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2000A Issued 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 \$1,836,676.

**Project Name: FIRE STATION NO. 7 PROJECT**  
Council District

**Budget Information:**

This is a one-time capital improvement expenditure.

Funds in the amount of \$80.95 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1999 Certificates of Obligation Fund 43-831, transferred to Fund 43-703005, Index Code 624981.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,634,006.

**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:

None

(2) the identity of any **business entity**<sup>1</sup> that would be a party to the discretionary contract:

Davidson & Troilo, P.C.

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

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 Exhibit "A" for shareholders of Davidson & Troilo, P.C.

<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.

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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:
See attached Exhibit "B" regarding Political Contributions made by Davidson & Troilo Committee for Civil Awareness & Certain Shareholders. May be subject to amendment.		

### 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 known.

<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.

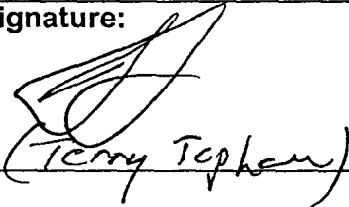
**City of San Antonio**  
**Discretionary Contracts Disclosure\***

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<b>Signature:</b>  (Terry Troilo)	<b>Title:</b> Senior Vice-President <b>Company:</b> Davidson & Troilo, P.C.	<b>Date:</b> 4/23/03

**SHAREHOLDERS OF DAVIDSON & TROILO, P. C.**

**EXHIBIT "A"**

Arthur Troilo  
Cheree Kinzie  
Gaines Griffin  
Irwin Zucker  
Mark Craun

James Woo  
John Davidson  
Lea Ream  
Terry Topham  
Richard L. Crozier

Patrick Lindner  
Richard Hettinger  
Richard O'Neil  
Gary L. Fuller  
Susan Murphy



## EXHIBIT "B"

### Political Contributions (\$100 or more) to Benefit City Council Members April 1, 2001 through April 22, 2003 (24 months)

<u>Name of Councilperson</u>	<u>Contribution Amount</u>
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Made by Davidson & Troilo Committee for Civic Awareness (a political action committee)

2001:

Carpenter for Council Campaign	500.00
John H. Sanders Campaign	200.00
Ed Garza Campaign	500.00
Julian Castro for Council Campaign	500.00
Ed Garza Campaign	3,000.00
Friends of Toni Moorhouse	500.00

2002:

Councilman John H. Sanders Campaign	\$ 100.00
Ed Garza Campaign	1,000.00
Friends of Toni Moorhouse	500.00
Carroll Schubert Campaign	500.00

2003:

Ed Garza Campaign	\$ 1,000.00
Carroll Schubert Campaign	500.00
Friends of Toni Moorhouse	500.00