

**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, Andrew W. Cameron, Steven F. Hodges, and File

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

DATE: December 18, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$32,415.50 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Ashley Road – Bascum to S. Flores project (\$496.95), Bitters Road – West Avenue to Heimer MPO project (\$72.20), Cherry Street Drainage Project #15B Phase II (\$2,000), Escalon Street #1008 Drainage project (\$123.30), Hi-Lions Drainage #80, Phases III & V project (\$72), Hildebrand Avenue from IH10 to Breeden MPO project (\$23,401.55), Western Avenue Drainage #74 III-A project (\$3,424.10), Wurzbach Road at I.H. 10 and Ironside Intersections project (\$18), Wurzbach Parkway project (\$2,753.40), and the Fay Phase I Community Development Block Grant (CDBG) project (\$54). These projects are located in various City Council Districts and are funded from General Obligations of the City and Community Development Block Grant (CDBG) funds.

Staff recommends the 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 parcels in the 10-parcel project. This project is currently under construction and scheduled to be completed in 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.

Cherry Street Drainage #15B Phase II – Construction on this project is complete. The City has a Right of Entry Agreement on the parcel currently in condemnation.

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. Construction on this project is complete. The scope of this project provides for the reconstruction of the streets and drainage in the area bounded by Clark, Vanderbilt, Amanda, and Rigsby. Dasa Leo, Wendy and Shawn Marie are an additive alternate to the project. Project includes two-lane street sections, four-foot sidewalks, curbs, driveway approaches and underground storm drainage. Gas, water, and sanitary sewer mains and laterals will be replaced. 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.

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 December 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 guardrail 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.

Wurzbach Parkway (MPO) Phase V – Phase V of this project is currently funded for design only. The scope of this project includes the construction of a four-lane divided roadway and limited access from Northwest Military Highway to Blanco Road and then continuing from Blanco Road to U.S. 281.

Fay Phase I (CDBG) - There are nine signed instruments and one condemned parcel in the 10-parcel project. This project has completed construction. The scope of this project provided a 27-foot wide, two-lane typical roadway with underground storm water drainage. This project reconstructed 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

Ashley Road – Bascum to S. Flores

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 \$496.95 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 \$72.20 are available from 2000A Issued Certificates of Obligation.

Cherry Street Drainage #15B Phase II

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 \$2,000 are available from 1994 General Obligation Drainage Improvement Bonds.

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 \$123.30 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 \$72 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 \$23,401.55 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 \$3,424.10 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 \$18 are available from 1996 Certificates of Obligation.

Wurzbach Parkway Phase V

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 \$2,753.40 are available from 2002 Certificates of Obligation.

Fay Phase I CDBG

This is a one-time capital improvement expenditure within budget and included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$54 are available from Community Development Block Grant funds.

Funds in the amount of \$32,415.50 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1985 General Obligation Drainage Improvement Bonds	\$ 3,424.10
1987 General Obligation Drainage Improvement Bonds	\$ 72.00
1987 General Obligation Street Improvement Bonds	\$ 496.95
1994 General Obligation Drainage Improvement Bonds	\$ 2,123.30
1996 Certificates of Obligation	\$ 18.00
2000A Issued Certificates of Obligation	\$ 72.20
2002 Certificates of Obligation	\$ 26,154.95
Community Development Block Grant (CDBG) Funds	\$ 54.00
	<u>\$ 32,415.50</u>

COORDINATION

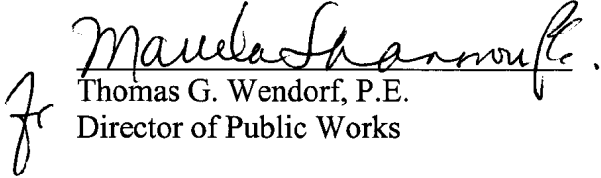
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the Housing and Community Development Department, the City Attorney's Office, and the Texas Department of Transportation.

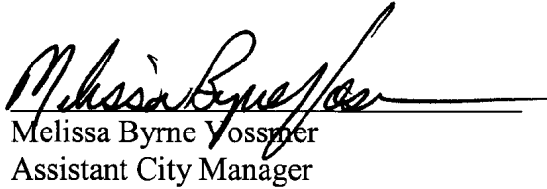
SUPPLEMENTARY COMMENTS

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: 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 \$496.95 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, Index Code 564195.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$2,485,570.49.

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 \$72.20 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 \$1,929,068.

Project Name: CHERRY STREET DRAINAGE PROJECT #15B PHASE II
Council District 2

This is a one-time capital improvement expenditure.

Funds in the amount of \$2,000 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds fund balance from 45-468 to 45-336004, Index Code 579474.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$3,383,652.49.

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 \$123.30 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 \$1,962,868.

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 \$72 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 \$10,137,660.

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 \$23,401.55 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 \$814,035.80.

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 \$3,424.10 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 \$18 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.

Project Name: WURZBACH PARKWAY PROJECT PHASE V
Council District 9 & 10

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$2,753.40 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2002 Certificates of Obligation transferred to Fund 43-152009, Index code 313486.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$677,000.

**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 \$54 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 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 \$582,897.

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.
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City of San Antonio

Discretionary Contracts Disclosure*

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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:
Art Hall	\$600.00	All within the last 24 months.
Carroll Schubert	\$2,900.00	
Roger Perez	\$500.00	
Patti Radle	\$1,200.00	
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.

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.
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: 10/31/07

J. Tullis Wells

HOUSTON

Aksamit, Roger D.
Anderson, William S.
Ballard Jr., Glenn A.
Barr Jr., John H.
Blanco, Ileana M.
Bland, John L.
Bopp, Gregory M.
Bradley, James E.
Brantley, John R.
Brenner, Margaret T.
Brown, Heather L.
Brown, Lisa A.
Carter, Lesa L.
Clarke, Robert L.
Cook, B. T.
Couch, John A.
Cram, Stephen B.
Dade, W. C.
Edison, Andrew M.
Evans, Mark C.
Frels, Kelly
Gilbert, Christopher B.
Giraud III, Charles W.
Clover, Randall K.
Gonsoulin Jr., Dewey J.
Gonzalez, George Y.
Gunter III, J. C.
Gutermuth, William D.
Halevy, Amy K.
Harris, Warren W.
Hayes, William J.
Herring, Laura B.
Hester, Tracy D.
Hodgins, David B.
Hollingsworth, Jarvis V.
Homer, Jeffrey J.
Horton, Janet L.
Hull, Robert J.
Hunt, Dean D.
Hunt, Martin J.
Jacobs, Jennifer W.
Jocz, Bruce R.
Kaim, Henry J.
Keneally, Walter S.
Kimball Jr., Albert B.
Kneese, V. S.
Kuhn, Michael

Kurtz, Marcy E.
Locascio, David W.
Long, Geoffrey A.
Luédke IV, William T.
Manford III, Thomas D.
Marston III, Edgar J.
McAnelly, W. J.
McBride, Ralph D.
Melo, Thomas M.
Michel, Arturo G.
Miles, Robin J.
Moore III, Thomas O.
Orloff, Gary W.
Oxford, Patrick C.
Ozdogan, Mary C.
Parsons, Katherine D.
Patman, Carrin F.
Rafte, G. A.
Renfroe, Tracie J.
Rhebergen, Constance G.
Rice, Richard C.
Rowald, Kent A.
Sampson Jr., Phillip L.
Sanders, Scott C.
Schneider-Vogel, Merri
Scott, Ronald
Sharp, Phillip D.
Sholeen, Eden P.
Spalding, Andrew F.
Stephens, Robert G.
Stephenson, Phyllis P.
Still Jr., Charles H.
Symonds, Margaret B.
Thompson III, J. D.
Thompson Jr., Clark C.
Tobor, Ben D.
Vest, Jr., G. W.
Visage, Tony L.
Vittor, Jose L.
Wege, Mark W.
Whittle, Jeffrey S.
Wilde, Carlton
Wilde, William K.
Wilkins, Timothy A.
Witschey, Jr., R. D.
Wittenbraker, Rick L.
Wood III, William A.

AUSTIN

Adkins, Thomas W.
Benesh, W. S.
Chapman, James L.
Dillon, Andrew J.
Ford, Joseph M.
Fox, Paul W.
Gourley, Lacey L.

Groten, Eric
Papermaster, Gail E.
Ramirez, Kenneth R.
Ricketts, Philip F.
Russell, Brian F.
Taylor, Andrew M.
Watson, Robert A.

CORPUS CHRISTI

Hegland, Roberta J.

Nichols, Robert S.

DALLAS/FORT WORTH

Boone, Gayle A.
Brown, Sanford M.
Davis, Janice Z.
Dinnin, Michael L.
Millard Jr., William H.
Podvin Jr., F. J.

Rentzel, Christopher H.
Scott, Lynn R.
Stricklin, Samuel M.
Tankersley, Michael W.
Williams Jr., Lon R.
Wisk, Allan C.

SAN ANTONIO

Bannwolf, Timothy H.
Barrera, Mario A.
Barrera, Ruben R.
Breazeale, Elizabeth C.
Byrd, Leslie S.
Danysh, Richard C.
Davis, Janice Z.
Garcia, Victoria M.
Harris, J. J.

Johnson, Russell S.
Jones, Mark A.
Kizziar Jr., James H.
Parker Jr., George P.
Ruttenberg, Frank Z.
Smith, Annalyn G.
Wells, J. Tullos.
Wiegand, Marc F.

WASHINGTON, D.C.

Anikeeff, Anthony H.
Bethune, Edwin R.
Cope, John R.
Ewing, Kevin A.
Foote, George M.
Godley, Gene E.
Hogwood, Stephen F.
Horn, Richard D.
Krachman, Albert B.
Nelson, Nancy J.

Nido, Luis M.
O'Connor, Nancy M.
Pate, Michael L.
Racicot, Marc F.
Rich, Randall S.
Segal, Scott H.
Shoneman, Charles H.
Watkiss, Jeffrey D.
Wodka, Nancy A.

NORTHERN VIRGINIA

Decker, R. G.
Dulany, T. P.

Petersen, John C.
Stauffer Jr., William L.

KAZAAKHSTAN

Vojack, Gregory

LONDON

Hunt, Martin J.