

**CITY OF SAN ANTONIO
City Manager's Office
Interdepartmental Correspondence Sheet**

AGENDA ITEM NO. 73

TO: Mayor and City Council

FROM: Susan Spegar, ASLA, Special Project Manager

COPIES: City Manager; Budget, Finance, Parks and Recreation; File

SUBJECT: ACQUISITION OF A 326.906-ACRE TRACT FOR THE PROPOSITION
THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION
PROJECT

DATE: December 18, 2003

SUMMARY AND RECOMMENDATION

An ordinance authorizing payment to Tigor Title Company as escrow agent for fee simple purchase of three parcels totaling 286.906 acres in the amount of \$3,701,297.40 and a transfer of an additional 40 acres of land at no cost with all parcels located Bexar County, Texas, under the auspices of the Proposition Three Edwards Land Acquisition and Park Expansion Project; authorizing payment of \$37,010.87 to The Bexar Land Trust for services in negotiating, investigating and purchasing said property; and authorizing the execution of a real estate purchase contract to accomplish said purchase; and providing an immediate effective date upon eight affirmative votes.

This proposed ordinance is for a fee simple purchase of 286.906 acres of land known as the Woodland Hills tract as part of the Proposition Three Edward's Land Acquisition Program. There is also a transfer of 40 acres to the City at no cost as part of this transaction. The Woodland Hills acquisition is adjacent to Friedrich Park with frontage along Heuerman, Milsa, and Babcock Roads that will allow connection to the previously purchased Crownridge and Cedar Creek/Thrift sites for a total land purchase price of \$3,701,087.40.

This parcel is presented for consideration to the City Council under the Proposition Three Edwards Land Acquisition and Park Expansion Project approved by the voters on May 6, 2000. The Conservation Advisory Board reviewed and recommended purchase on November 17, 2003, and the Planning Commission approved this purchase on December 10, 2003. The City Council Quality of Life Committee was briefed on December 4, 2003 on the efforts of the City of San Antonio to purchase the property.

The site has high residential, commercial and resort development potential with the location in close proximity to Interstate Highway 10. There is the Dominion, a residential development, on the east side of IH 10 and more upscale commercial and residential development is planned for the remainder of the site not acquired in the Prop. Three program. Although located on the contributing zone, this site has many recharge features and karst rock that is associated with recharge zone areas. The 326.906 acres contains tier

be acquired in three tracts, two of which are adjacent to Friedrich Park and the third provides connectivity to the Cedar Creek/Thrift tracts. The combined acreage of the three tracts will increase the size of Friedrich Park by 120%.

In keeping with the direction of the Conservation Advisory Board, this helps to further the goal of consolidating acquisitions whenever possible for greater enhancement of water quality and quantity recharging into Edwards Aquifer.

Staff recommends approval of the ordinance.

POLICY ANALYSIS

The property proposed for purchase was identified in a spatial model that was created for this project to identify the most sensitive parcels for acquisition. This model, labeled the Scientific Evaluation Team GIS model, is composed of forty-three (43) different layers that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County. Each of the layers has a weighted value assigned to the layer. As each layer is overlaid over the next, the model begins to darken where the most sensitive areas of concern are located.

The model then superimposes a layer of all undeveloped tracts in the project area and a score is assigned to each tract. The score, based on 100, then ranks these tracts and assigned each tract to a tier. No parcel received a perfect score. The highest level of scores were then assigned to the top tier known as tier one. These tier one parcels have a score between 62 and 76. The tier two ranking parcels have a value between 52 and 60. Identified in the top three tiers are a potential 84,000 acres that could be acquired. This proposed acquisition contains three parcels ranked in the tier one and tier two categories that total 326.906 acres. This tract is located over the Edwards Aquifer Contributing Zone.

This proposed action is consistent with policy adopted by the City Council for the preservation and conservation of the Edward's Aquifer sensitive areas as presented in Proposition Three of the Better Future Sales Tax Initiative passed and approved by the voters on May 6, 2000.

FINANCIAL DATA

This project is funded by the one-eighth sales and use tax in the special revenue Parks Development and Expansion Fund.

TOTAL COSTS FOR ACQUISITION:

Land Cost (appraised value is \$4,820,000 based on \$14,338.05/acre)	\$3,701,087.40
The Bexar Land Trust (1%)	\$37,010.87
Due diligence costs:	
Environmental Assessment –Loomis-Austin	\$3,060.00
Survey- Pape-Dawson	\$13,000.00
Appraisal-Jim Ponton	\$5,000.00
Closing Costs (tax certificate and recording fees) Ticor Title	\$210.00
TOTAL COST for the 326.906 acres:	\$3,759,368.27

SUPPLEMENTARY COMMENTS

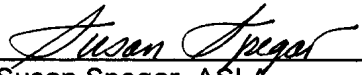
The table below outlines the acreage acquired and total land budget expensed as a result of this acquisition.

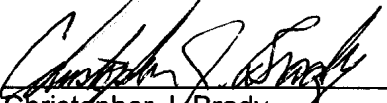
TOTALS:	
Acquired to date: 5,735.977 acres	Expensed to Date: \$31,511,323.57
This acquisition: 326.906 acres	\$3,701,087.40
Total acres with this acquisition: 6,062.883 acres	Total expensed with this acquisition: 96.87% land acquisition budget expensed (based on a land budget of \$36,350,000.00)

The disclosure forms submitted by Loomis-Austin, Pape-Dawson Consulting Engineers, Jim Ponton, and Ticor Title are attached hereto.

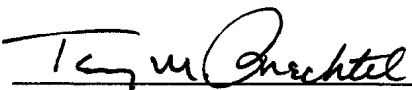
COORDINATION

This request for ordinance has been coordinated with the Parks and Recreation Department and the Finance Department for availability of funds.


Susan Spegar, ASLA
Special Project Manager


Christopher J. Brady
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.

N/A

(2) the identity of any business entity that would be a party to the discretionary contract.

Loomis Austin, Inc.

and the name of:

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

N/A

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.

N/A

* 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.

(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.

N/A


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:
N/A		

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 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.

Signature: 	Title: Accounting Admin. Company: Loomis Austin, Inc.	Date: 10/6/03

¹ 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 C Sections 1&2
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State "Not Applicable" for questions that do not apply.

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(1) the identity of any individual who would be a party to the discretionary contract:

James W. Ponton

(2) the identity of any business entity that would be a party to the discretionary contract:

James W. Ponton dba
James W. Ponton and Associates

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:

NONE

* 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.

(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

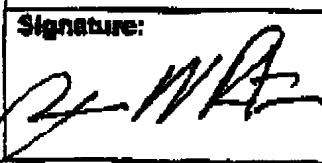
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To Whom Made:	Amount:	Date of Contribution:
NONE		

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.

Signature: 	Title: Company: James W. Richmond Assoc.	Date: 12-3-03

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 refusal or require careful consideration of whether or not refusal 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.

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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 entity¹ that would be a party to the discretionary contract:

Pape-Dawson Engineers, Inc.

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:

None

(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

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.

Dec-02-2003 09:55am From: PAPE DAWSON ENG

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T-926 P.003/004 F-133

City of San Antonio Discretionary Contracts Disclosure*

*For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
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Political Contributions

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To Whom Made:	Amount:	Date of Contribution:
See attached list for Pape-Dawson Engineers, Inc.		

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		
Signature:  Wayne Braslington	Title: CFO Company: Pape-Dawson Engineers, Inc.	Date: December 2, 2003

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.



December 2, 2003

**DISCRETIONARY CONTRACT ETHICS STATEMENT
PAPE-DAWSON ENGINEERS, INC.**

Political contributions of more than \$100 made during the previous twenty-four months to Council members and political action committees.

Eugene H. Dawson, Jr.

June 2002	Enrique Barrera	\$500
Aug. 2002	Carroll Schubert	\$500
Jan. 2003	Carroll Schubert	\$500

Samuel G. Dawson

June 2002	Enrique Barrera	\$500
Aug. 2002	Carroll Schubert	\$500
Jan. 2003	Carroll Schubert	\$250
March 2003	Ed Garza	\$500

Officers

July 2002	Consulting Engineers Council of Texas-PAC	\$2,480
May 2003	Consulting Engineers Council of Texas - PAC	\$1,800
Various	Candidates and Previous Council Not Holding Office	\$ 2,250

Pape-Dawson Engineers, Inc.

Wayne Brasington
Chief Financial Officer

ethicsord.doc/misc

PAPE-DAWSON ENGINEERS, INC.

555 East Ramey | San Antonio, Texas 78216 | Phone: 210.375.9000 | Fax: 210.375.9010 | Info@pape-dawson.com

City of San Antonio Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 162

Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply.

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(1) the identity of any individual who would be a party to the discretionary contract:

(2) the identity of any business entity¹ that would be a party to the discretionary contract:

TICOR TITLE AGENCY OF SAN ANTONIO

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:

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03 Dec. 8. 2003 3:32PM

TICOR TITLE AGENCY OF SA

T-NV-411938/00 2/23

(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.

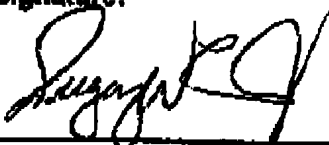
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To Whom Made:	Amount:	Date of Contribution:
SEE ATTACHED EXHIBIT OF JOHN PAUL ROGERS, PRESIDENT OF TICOR TITLE AGENCY OF SAN ANTONIO		

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.

Signature: 	Title: <u>VICE PRESIDENT</u> Company: <u>TICOR TITLE AGENCY</u>	Date: <u>12/8/2003</u>

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Received Time Mar. 25. 2:46PM

Exhibit of Political Contributions
by
John Paul Rogers
President of Ticor Title Agency of San Antonio
March 26, 2001 to March 25, 2003

<u>To Whom Made</u>	<u>Amount</u>	<u>Date of Contribution</u>
Carroll Schubert Campaign	\$250.00	May, 2001
Roland Gutierrez Campaign	\$250.00	May, 2001
Enrique Barrera Campaign	\$500.00	June, 2001
SABPAC	\$150.00	July, 2001
Toni Moorehouse Campaign	\$100.00	January, 2002
Enrique Barrera Campaign	\$100.00	July, 2002
Carroll Schubert Campaign	\$100.00	July, 2002