

**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, Peter Zanoni, 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:** February 19, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$1,349.08 payable to Davidson & Troilo, P.C., for legal services in connection with the Babcock Road/Leon Creek Improvements-Hausman to DeZavala project (\$162), Bitters Road – West Avenue to Heimer Metropolitan Planning Organization (MPO) project (\$1,061.08), and the Southcross Blvd. – New Braunfels to Presa Metropolitan Planning Organization (MPO) project (\$126). These projects are located Council Districts 8 and 9, and 3 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. Construction on this project is complete. 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 March 2005. 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.

**Southcross Blvd. – New Braunfels to Presa (MPO)** – There are 54 signed instruments and one condemned parcel in the 57-parcel project. The remaining two parcels have been submitted to the City Attorney's office for condemnation proceedings. This project is under construction and scheduled to be completed in January 2005. The scope of this project includes the reconstruction of the existing roadway to four lanes with curbs, five-foot sidewalks, necessary drainage, and signal upgrades.

### **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 \$162 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 \$1,061.08 are available from 2000A Issued Certificates of Obligation.

#### **Southcross Blvd. – New Braunfels to Presa (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 \$126 are available from 2002 Certificates of Obligation.

Funds in the amount of \$1,349.08 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

1994 General Obligation Drainage Improvement Bonds	\$ 162.00
2002 Certificates of Obligation	\$ 126.00
2000A Issued Certificates of Obligation	<u>\$1,061.08</u>
	\$1,349.08

### COORDINATION

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

### SUPPLEMENTARY COMMENTS

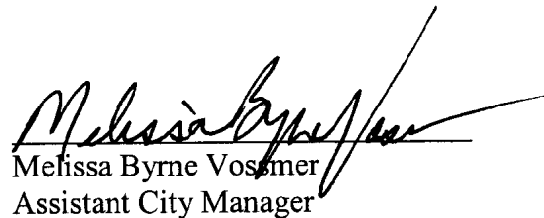
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

### ATTACHMENTS

1. Discretionary Contracts Disclosure Form

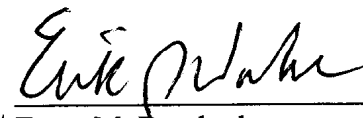
 2/6/04

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



Melissa Byrne Vosmer  
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:

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.

- (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.

Signature:  Terry Topham	Title: Senior Vice-President  Company: Davidson & Troilo, P.C.	Date:  11/18/03
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<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.