

**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, 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: April 29, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$41,453.38 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Bitters Road – West Avenue to Heimer MPO Project (\$1,664.03), Cherry Street Drainage Project #15B Phase II (\$72), Escalon Street #1008 Drainage project (\$18), Hildebrand Avenue from IH10 to Breeden MPO project (\$38,275.55), Octavia Drainage #63, Phase II, Part I project (\$36), Western Avenue Drainage #74 III-A project (\$811.80), Wurzbach Road at I.H. 10 and Ironside Intersections project (\$36), Wurzbach Parkway project (\$216); and the Chico-Knox/Margil Community Development Block Grant (CDBG) project (\$324). 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.

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.

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.

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.

Octavia Drainage #63, Phase II, Part I – There are 72 signed instruments in the 74-parcel project. The two remaining parcels are in negotiations. Phase I of this project is complete. Phase II is currently under construction and scheduled to be completed in September 2004. The scope of Phase II provides for underground storm drainage improvements along Hart and Pleasanton Road. Reconstruction will include curbs, four-foot sidewalks, concrete driveway approaches, and retaining walls.

Western Avenue Drainage Project #74, Phase III A – There are 17 signed instruments and eight condemned parcels in the 25-parcel project. Construction on this project is complete. 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. This project is currently under construction and is 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, and is scheduled to be completed in November 2005. The scope of work for Wurzbach at Ironside will widen the existing two-lane northbound approaches to 36 feet for a right turn lane, and is scheduled to be completed in July 2005..

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.

Chico-Knox & Margil Community Development Block Grant (CDBG) – Construction on this project is complete.

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

Bitters Road – West Avenue to Heimer Road (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 \$1,664.03 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 \$72 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 \$18 are available from 1994 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 \$38,275.55 are available from 2002 Certificates of Obligation.

Octavia Drainage #63, Phase II, Part I

This is a one-time capital improvement expenditure within budget and is included in the FY03-FY08 Capital Improvement Program Budget. Funds in the amount of \$36 are available from 1994 General Obligation Drainage Improvement Bonds.

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 \$811.80 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 \$36 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 \$216 are available from 2002 Certificates of Obligation.

Chico-Knox/Margil CDBG

This is a one-time capital improvement expenditure within budget and not included in the FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$324 are available from Community Development Block Grant funds.

Funds in the amount of \$41,453.38 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1985 General Obligation Drainage Improvement Bonds	\$ 811.80
1994 General Obligation Drainage Improvement Bonds	\$ 126.00
1996 Certificates of Obligation	\$ 36.00
2000A Issued Certificates of Obligation	\$ 1,664.03
2002 Certificates of Obligation	\$ 38,491.55
Community Development Block Grant (CDBG) Funds	<u>\$ 324.00</u>
	\$ 41,453.38

COORDINATION

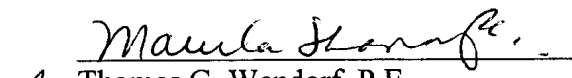
This ordinance was coordinated with the City Attorney's Office, the Finance Department, the Office of Management and Budget, the Housing and Community Development Department, and the Texas Department of Transportation.

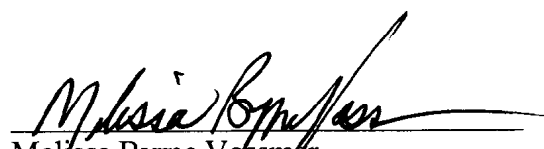
SUPPLEMENTARY COMMENTS

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

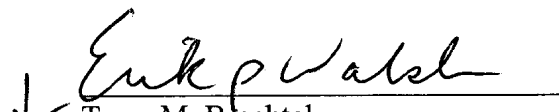
ATTACHMENTS

1. Discretionary Contracts Disclosure Form


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


Melissa Byrne Vossmer
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:

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*

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.

(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*

*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: 10/31/02

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.