

CONSENT AGENDA
ITEM NO. 25

**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 D. Nitschke; Andrew Martin; Malcolm Matthews; Steven F. Hodges; and File

SUBJECT: Ordinance authorizing payment of Legal Fees incurred in land acquisition related to various Capital Projects

DATE: May 20, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$2,698.78 payable to Davidson & Troilo, P.C., for legal services in connection with the Bitters Road – West Avenue to Heimer Metropolitan Planning Organization (MPO) project (\$2,623.40), and the Salado Creek Greenway Development (Hike & Bike Trail) Phase I project (\$75.38). These projects are located in Council Districts 9 and City Wide, 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.

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 January 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.

Salado Creek Greenway Development (Hike & Bike Trail) Phase I - There are eight signed instruments and two condemned parcels in the 25 parcel project. The Real Estate Section was directed to acquire ten of the fee simple title parcels and Pape-Dawson Engineers, Inc., has been contracted for the acquisition of the 15 permanent easement parcels. Advertisement is scheduled for November 2004, with construction to begin in January 2005, and scheduled to be completed in January 2006.

POLICY ANALYSIS

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

FISCAL IMPACT

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 \$2,623.40 are available from 2000A Certificates of Obligation.

Salado Creek Greenway Development (Hike & Bike Trail) Phase I

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 \$75.38 are available from 1999-2004 Flood Control with Park Improvement Bonds.

Funds in the amount of \$2,698.78 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

1999-2004 Flood Control with Park Improvement Bonds	\$ 75.38
2000A Certificates of Obligation	<u>\$ 2,623.40</u>
	\$ 2,698.78

COORDINATION

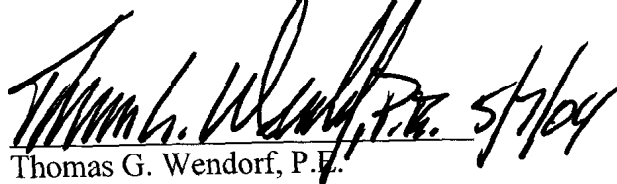
This ordinance was coordinated with the City Attorney's Office, the Finance Department, the Office of Management and Budget, and the Texas Department of Transportation.

SUPPLEMENTARY COMMENTS

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

ATTACHMENTS

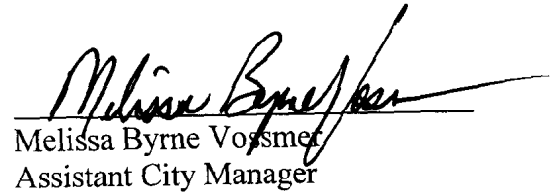
1. Discretionary Contracts Disclosure Form

 5/1/04

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

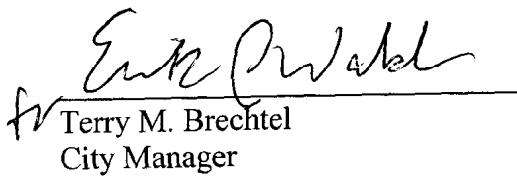


Malcolm Matthews
Director of Parks and Recreation



Melissa Byrne Vossmer
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager

ATTACHMENT 1

FISCAL DATA

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 \$2,623.40 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 \$2,124,344.

2000A Certificates of Obligation Original Budget	\$2,058,000
Subsequent budget approvals	<u>\$ 66,344</u>
Total approved budget-to-date	\$2,124,344

Project Name: SALADO CREEK GREENWAY DEVELOPMENT (HIKE & BIKE TRAIL) PROJECT PHASE I
Council District - City Wide

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$75.38 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1999-2004 Flood Control with Park Improvement Bonds, transferred to Fund 45-959004, Index Code 631929.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,205,317.

1999-2004 Flood Control with Park Improvement Bonds Original Budget	\$1,205,317 *
Subsequent budget approvals	<u>\$ 0</u>
Total approved budget-to-date	\$1,205,317

***Original Bond Budget is for the following projects:**

Wheatley Heights Buyouts and Salado Creek Greenway Development

1999-2004 Flood Control with Park Improvement Bonds Original Budget	<u>\$3,540,384</u>
Allocated to Wheatley Heights Buyouts	\$2,335,067
Allocated to Salado Creek Greenway (Hike & Bike) Phase I	\$1,205,317 *

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**¹ 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.

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.

- (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 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 known.

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

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
Susan Murphy

EXHIBIT "B"

Political Contributions (\$100 or more) to Benefit City Council Members November 7, 2001 through November 7, 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 (after 11/6/2001):

None

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
John Clamp Campaign	500.00
Enrique M. Barrera	500.00
Phil Cortez for City Council Campaign	250.00
Julian Castro for Council Campaign	250.00
Cecconi Campaign	500.00
Roger Flores, Jr. Campaign	500.00
Tom Lopez for City Council	250.00
Ron Segovia Campaign	250.00
Enrique M. Barrera Campaign	250.00
Enrique M. Barrera Campaign	200.00
Julian Castro for City Council Campaign	250.00