

CONSENT AGENDA
ITEM NO. 33

**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 Zaroni, 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: June 24, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$41,932.86 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Bitters Road – West Avenue to Heimer MPO Project (\$18), Hi-Lions Drainage #80, Phases III & V project (\$1,521.85), Hildebrand Avenue from IH10 to Breeden MPO project (\$36,335.01), Octavia Drainage #63, Phase II, Part I project (\$36), W. W. White Phase I – Rigsby to Lord Road project (\$1,386), Western Avenue Drainage #74 III-A project (\$1,646), Wurzbach Road at I.H. 10 and Ironside Intersections project (\$54); and the Chico-Knox/Margil Community Development Block Grant (CDBG) project (\$936). 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 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.

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.

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.

W. W. White Road from Rigsby to Lord Road – There are 42 signed instruments and two condemned parcels in the 45-parcel project. One parcel has been submitted to the City Attorney's Office to begin condemnation proceedings. This project is currently under construction, and is scheduled to be completed in November 2004. The scope of work for this project includes drainage improvements along W.W. White Road from Rigsby to Lord Road, and Rigsby from W.W. White Road to Salado Creek. It also includes drainage on Dell Crest from Sea Breeze to Rigsby.

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.

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 \$18 are available from 2000A Issued Certificates of Obligation.

Hi-Lions Drainage #80, Phase III & V

This is a one-time capital improvement expenditure within budget, and funds were previously appropriated to the project budget. Therefore, this expenditure is not included in the FY04-FY09 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$1,521.85 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 funds were previously appropriated to the project budget or were to be provided by shortfall funding, Certificates of Obligation. Therefore, this expenditure was not included in the FY04-FY09 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$29,575 are available from 2002 Certificates of Obligation, and funds in the amount of \$6,760.01 are available from 1996 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 FY04-FY09 Capital Improvement Program Budget. Funds in the amount of \$36 are available from 1994 General Obligation Drainage Improvement Bonds.

W. W. White Phase I – from Rigsby to Lord Road

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 \$1,386 are available from 1994 General Obligation Drainage 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 \$1,646 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 funds were previously appropriated to the project budget. Therefore, this expenditure was not included in the FY04-FY09 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$54 are available from 1996 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 \$936 are available from Community Development Block Grant funds.

Funds in the amount of \$41,932.86 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1985 General Obligation Drainage Improvement Bonds	\$ 1,646.00
1987 General Obligation Drainage Improvement Bonds	\$ 1,521.85
1994 General Obligation Drainage Improvement Bonds	\$ 1,422.00
1996 Certificates of Obligation	\$ 6,814.01
2000A Issued Certificates of Obligation	\$ 18.00
2002 Certificates of Obligation	\$29,575.00
Community Development Block Grant (CDBG) Funds	<u>\$ 936.00</u>
	\$41,932.86

COORDINATION

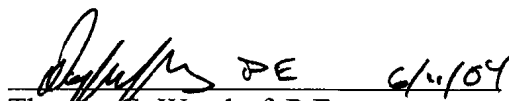
This ordinance was coordinated with the City Attorney's Office, the Finance Department, the Office of Management and Budget, the Housing and Community Development Department, and the Texas Department of Transportation.

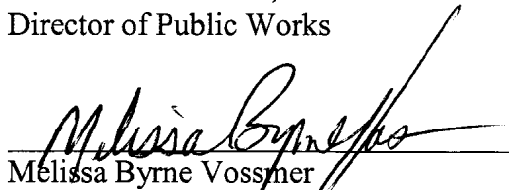
SUPPLEMENTARY COMMENTS

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

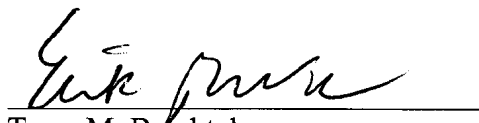
ATTACHMENTS

1. Discretionary Contracts Disclosure Form


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: BITTERS ROAD – WEST AVENUE TO HEIMER (MPO) PROJECT
Council District 9

This is a one-time capital improvement expenditure.

Funds in the amount of \$18.00 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 \$2,129,941.

Certificates of Obligation Original Budget	\$2,058,000
Subsequent budget approvals	<u>\$ 71,941</u>
Total approved budget-to-date	\$2,129,941

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 \$1,521.85 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1987 General Obligation Drainage Improvement Bonds fund balance Fund 45-746 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 \$10,166,401.

1987 General Obligation Drainage Improvement Bonds	\$10,137,660
Subsequent budget approvals	<u>\$ 0</u>
Total approved budget-to-date	\$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 \$36,335.01 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds in the amount of \$29,575 are available from 2002 Certificates of Obligation fund balance 43-172 for transfer to 43-617012, Index Code 563528.

Funds in the amount of \$6,760.01 are available from 1996 Certificates of Obligation Street Improvements fund balance 43-617 for transfer to Fund 43-617012, Index Code 563528.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$855,646.

2002 Certificates of Obligation	\$325,000
Subsequent budget approvals	<u>\$530,646</u>
Total approved budget-to-date	\$855,646

Project Name: OCTAVIA DRAINAGE PROJECT #63, PHASE II, PART I
Council District 5

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$36 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds transferred to Fund 45-969014, Index Code 684381.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,852,069.

1994 General Obligation Drainage Improvement Bonds	\$1,724,714
Subsequent budget approvals	<u>\$ 127,355</u>
Total approved budget-to-date	\$1,852,069

Project Name: W. W. WHITE PHASE I – FROM RIGSBY TO LORD PROJECT
Council District 2

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$1,386 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 1994 General Obligation Drainage Improvement Bonds transferred to 1985 Drainage and Flood Control Bonds Fund 45-546007, Index Code 624965.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$5,381,661.

1994 General Obligation Drainage Improvement Bonds	\$3,700,000
Subsequent budget approvals	<u>\$1,681,661</u>
Total approved budget-to-date	\$5,381,661

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 \$1,646 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 \$223,618.

1985 General Obligation Drainage Improvement Bonds	\$1,202,000
Subsequent budget approvals	<u>(\$ 978,382)</u>
Total approved budget-to-date	\$ 223,618

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 \$54 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 \$1,431,185.

1996 Certificates of Obligation	\$1,280,000
Subsequent budget approvals	<u>\$ 151,185</u>
Total approved budget-to-date	\$1,431,185

Project Name: CHICO-KNOX/MARGIL COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PROJECT
Council District 5

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$936 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from Community Development Block Grant (CDBG) Fund 26-013489 by transferring \$936 from Construction Contingency Index code 372375 to Legal Fees Index Code 337352.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$204,369.

Community Development Block Grant Funds	\$204,000
Subsequent budget approvals	<u>\$ 369</u>
Total approved budget-to-date	\$204,369

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	\$ 100.00	All within the last 24 months
Patti Radle	\$1,200.00	
Roger Perez	\$ 500.00	
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: 6/10/04
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J. Tullos Wells

HOUSTON

Aksamit, Roger D.
Adis, Jay R.
Anderson, William S.
Ballard Jr., Glenn A.
Barr Jr., John H.
Behke, Lance W.
Blanco, Ileana M.
Bland, John L.
Bopp, Gregory M.
Borrecia, Christopher P.
Bradley, James E.
Brantley, John R.
Brenner, Margaret T.
Brown, Heather L.
Brown, Lisa A.
Carter, Lesa L.
Clark, Robert L.
Connelly, M. Coy
Crain, Stephen B.
Dade, W. C.
Daniels, Douglas A.
Dumesnil, Bryan S.
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.
Horner, Jeffrey J.
Horton, Janet L.
Hull, Robert 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.
McAnelly, W. J.
McBride, Ralph D.
McDowell, David T.
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.
Roffwarg, Aaron P.
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.
Temple, Tracy C.
Thompson Jr., Clark C.
Thompson III, J. D.
Tobor, Ben D.
Tomlinson, Thomas M.
Trautner, P. Kevin
Vance, Carol Stoner
Vest, Jr., G. W.
Visage, Tony L.
Wege, Mark W.
Whittle, Jeffrey S.
Wilde, Carlton
Wilde, William Key
Wilkins, Timothy A.
Witschey, Jr., R. D.
Wood III, William A.

AUSTIN

Adkins, Thomas W.
Benesh, W.S.
Ford, Joseph Moody
Fox, Paul W.
Gourley, Lacey L.

Groten, Eric
Ramirez, Kenneth R.
Ricketts, Philip F.
Taylor, Andrew M.
Watson, Robert A.

CORPUS CHRISTI

Hegland, Roberta J.
McHugh, Colleen

Nichols, Robert S.
Vicknair, Audrey Mullert

DALLAS/FORT WORTH

Boone, Gayle A.
Brown, Sanford M.
Davis, Janice Z.
Dinnin, Michael L.
Kyle, Alfred G.
Millard Jr., William H.
Rentzel, Christopher H.

Rossi, Lynn
Scott, Lynn R.
Stricklin, Samuel M.
Tankersley, Michael W.
Whitaker, Elizabeth D.
Williams Jr., Lon R.
Wisk, Allan C.

SAN ANTONIO

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

Johnson, Russell S.
Jones, Mark A.
Kizziar Jr., James H.
Ruttenberg, Frank Z.
Smith, Annalyn G.
Wells, J. Tullos.

WASHINGTON, D.C.

Anikeeff, Anthony H.
Bethune, Edwin R.
Brack, William T.
Chapman, James Louis
Cope, John R.
Ewing, Kevin A.
Foote, George M.
Godley, Gene E.
Hogwood, Stephen F.
Horn, Richard D.
Israel, Benjamin L.
Krachman, Albert B.
Lister, Penelope M.
Nelson, Nancy J.

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

NORTHERN VIRGINIA

Decker, R. G.
Dulany, T. P.
Petersen, John C.

Rommel, Kurt C.
Stauffer Jr., William L.

KAZAAKHSTAN

Couch, John A.
Marston, Edgar J.

Vojack, Gregory

LONDON

Hunt, Martin J.