

**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, Steven F. Hodges, and File

SUBJECT: Ordinance authorizing payment of legal fees incurred in land acquisition related to various capital projects

DATE: September 2, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$45,689.63 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Hildebrand Avenue from IH10 to Breeden MPO project (\$45,581.63), Pleasanton Road – Southcross to Mayfield (\$36), and the Western Avenue Drainage Project #74 III A (\$72). These projects are located in various City Council Districts and are funded from General Obligations of the City.

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.

Hildebrand Avenue from I.H. 10 to Breeden (MPO) – There are 23 signed instruments and three condemned parcels in the 26-parcel project. Construction on this project is complete.

Pleasanton Road from Southcross to Mayfield (MPO) Project – There are 17 signed instruments and three condemned parcels in the 20-parcel project. Construction on this project is complete. The scope of this project includes the reconstruction and widening of the existing four lanes to four lanes with a center turn lane (56 feet wide), curbs, five-foot sidewalks against the curbs, driveway approaches, necessary drainage, and intersection improvements at Southcross.

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.

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

Hildebrand Avenue from I.H. 10 to Breeden (MPO)

This is a one-time capital improvement expenditure within budget and 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 \$45,581.63 are available from 2002 Certificates of Obligation.

Pleasanton Road – Southcross to Mayfield

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 \$36.00 are available from 2002 Certificates of Obligation.

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 \$72 are available from 1985 General Obligation Drainage Improvement Bonds.

Funds in the amount of \$45,689.63 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1985 General Obligation Drainage Improvement Bonds	\$ 72.00
2002 Certificates of Obligation	<u>\$45,617.63</u>
	\$45,689.63

COORDINATION

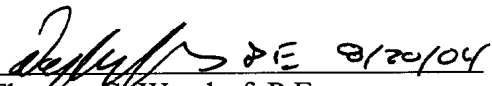
This ordinance was coordinated with the Finance Department, the Office of Management and Budget, the City Attorney's Office, and the Texas Department of Transportation.

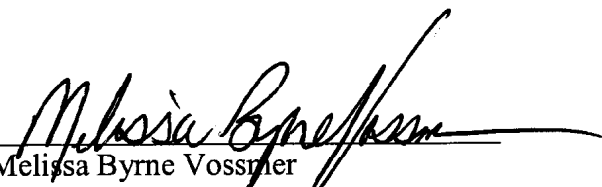
SUPPLEMENTARY COMMENTS

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: 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 \$45,581.63 are not included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2002 Certificates of Obligation fund balance 43-172 for 43-617012, Index Code 563528.

This item is within budget.

This item represents a portion of a total estimated City project cost of \$941,913.

1996 Certificates of Obligation Original Budget	\$ 325,000
Subsequent budget approvals	<u>\$ 616,913</u>
Total approved budget-to-date	\$ 941,913

**Project Name: PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD
Council District 5**

Budget Information:

This is a one-time capital improvement expenditure.

Funds in the amount of \$36.00 are included in the FY04-FY09 Capital Improvement Program Budget.

Funds are available from 2002 Certificates of Obligation

This item is within budget.

This item represents a portion of a total estimated City project cost of \$1,476,907.

2002 Certificates of Obligation Original Budget	\$ 884,000
Subsequent budget approvals	<u>\$ 592,907</u>
Total approved budget-to-date	\$1,476,907

**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 \$72 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 \$150,000.

1985 G O Drainage Improvement Bonds Original Budget	\$1,202,000
Subsequent budget approvals	<u><\$1,052,000></u>
Total approved budget-to-date	\$ 150,000

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 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.
SANANTONIO672677.1

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.
Borreca, 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.