

**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:** J. Rolando Bono, Interim 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:** October 14, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$6,776.00 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Cherry Street Drainage #15B Phase II project (\$558), located in Council District 2, and the Western Avenue Drainage Project #74 IIIA (\$6,218), located in Council District 9. These projects are funded from 2002 Certificates of Obligation.

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.

**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.

**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.

**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**

### **Cherry Street Drainage #15B Phase II**

This is a one-time capital improvement expenditure not within budget and not included in the FY 05-10 Capital Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$558 are available from 2002 Certificates of Obligation.

### **Western Avenue Drainage Project #74, Phase III A**

This is a one-time capital improvement expenditure not within budget and not included in the FY 05-10 Capital Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$6,218 are available from 2002 Certificates of Obligation.

Funds in the amount of \$6,776.00 are available from 2002 Certificates of Obligation and authorized payable to Bracewell & Patterson, L.L.P.

## **COORDINATION**


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


## **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:

  
J. Rolando Bono  
Interim 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**<sup>1</sup> 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.

<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.  
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# City of San Antonio

## Discretionary Contracts Disclosure\*

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Attach additional sheets if space provided is not sufficient.  
State "Not Applicable" for questions that do not apply.

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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 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.

<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.

**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.*

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<b>Signature:</b> 	<b>Title:</b> Partner in Charge – San Antonio Office  <b>Company:</b> Bracewell & Patterson, L.L.P.	<b>Date:</b> 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.