

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

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

**DATE:** December 9, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes funds in the amount of \$5,972.85 payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Bitters Road – West Avenue to Heimer MPO project (\$180), Cherry Street Drainage Project #15B Phase II project (\$1,393.27), Hunt Lane – Marbach to U.S. 90 MPO project (\$1,265.85), Laddie Place Detention Pond project (\$909.03), Octavia Drainage #63, Phase II, Part I project (\$90), Western Avenue Drainage #74 IIIA project (\$1,954.70), and W. W. White Phase I – Rigsby to Lord Road project (\$180). 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.

**Bitters Road – West Avenue to Heimer (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 February 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 upgrades to traffic signalization. This project will also include the construction of six-foot wide sidewalks at the curb.

**Cherry Street Drainage #15B Phase II** – There are 23 signed instruments in the 27-parcel project. Four parcels were submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete. The City has a Right of Entry Agreement on the parcel currently in condemnation.

**Hunt Lane – Marbach to U.S. 90 (MPO)** – There are 8 signed instruments and one condemned parcel in the 9-parcel project. Construction on this project is complete.

**Laddie Place Storm Water Detention Facilities** – There is one signed instrument and one condemned parcel in the two-parcel project. One parcel was submitted to the City Attorney's Office for condemnation proceedings. The scope of this project includes the design and construction of a Regional Storm Water Facility (Detention Pond) in the Woodlawn Lake area. The expected storm water detention will mitigate flooding in the Laddie/Kampmann area. The acquisition phase of this project will be funded by the Regional Facilities Fund, and the design and construction phase will be funded by Storm Water Revenue Bonds.

**Octavia Drainage #63, Phase II, Part I** – There are 72 signed instruments in the 74-parcel project. The two remaining parcels were submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

**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.

**W. W. White Road from Rigsby to Lord Road** – There are 42 signed instruments and two condemned parcels in the 45-parcel project. The remaining parcel has been submitted to the City Attorney's Office for condemnation proceedings. This project is currently under construction, and is scheduled to be completed by January 2005. 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.

### **POLICY ANALYSIS**

Approval of this ordinance for payment of legal services is necessary to complete the real estate transactions on the acquisition of 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 FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$180 are available from 2004 Issued Certificates of Obligation.

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

This is a one-time capital improvement expenditure not within budget and funds were to be provided by Certificates of Obligation. This expenditure was not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$1,393.27 are available from 1996 Certificates of Obligation.

**Hunt Lane – Marbach to U.S. 90 (MPO)**

This is a one-time capital improvement expenditure not within budget and funds were to be provided by Certificates of Obligation. This expenditure was not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$1,265.85 are available from 1996 Certificates of Obligation.

**Laddie Place Detention Pond**

This is a one-time capital improvement expenditure within budget and is included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$909.03 are available from 2003 Storm Water Revenue Bonds.

**Octavia Drainage #63, Phase II, Part I**

This is a one-time capital improvement expenditure not within budget and funds were to be provided by Certificates of Obligation. This expenditure was not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$90.00 are available from 1996 Certificates of Obligation.

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

This is a one-time capital improvement expenditure not within budget and funds were to be provided by Certificates of Obligation. This expenditure was not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$1,954.70 are available from 1996 Certificates of Obligation.

**W. W. White Road from Rigsby to Lord Road**

This is a one-time capital improvement expenditure within budget and is included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$180.00 are available from 2001 Certificates of Obligation.

Funds in the amount of \$5,972.85 are available from the following funding sources and authorized payable to Bracewell & Patterson, L.L.P.:

1996 Certificates of Obligation	\$4,703.82
2001 Certificates of Obligation	\$ 180.00
2003 Storm Water Revenue Bonds	\$ 909.03
2004 Issued Certificates of Obligation	<u>\$ 180.00</u>
	\$5,972.85

**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.

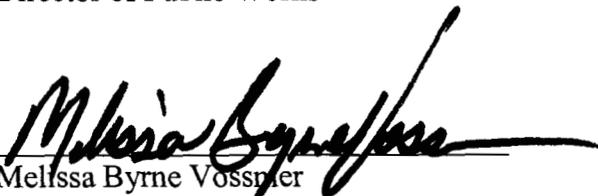
**SUPPLEMENTARY COMMENTS**

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 Vossler  
Assistant City Manager

  
\_\_\_\_\_  
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\*

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	\$ 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

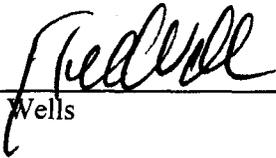
Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official 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.*

**\* 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.**

<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.  
Borraea, 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.