

**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: November 18, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$33,946.10 payable to Davidson & Troilo, P.C., for legal services in connection with the Bitters Road – West Avenue to Heimer Metropolitan Planning Organization (MPO) project (\$1,629.45), Culebra/Loop 410 Detention Pond project (\$3,638.97), Loop 410 at Nacogdoches Drainage Improvement project (\$28,587.68), Southcross Blvd. – New Braunfels to Presa Metropolitan Planning Organization (MPO) project (\$36.00), and the Thousand Oaks Intersections Metropolitan Planning Organization (MPO) project (\$54). These projects are located in various City Council Districts and are multi-funded projects including General Obligation 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 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 upgrade traffic signalization. This project will also include the construction of six-foot sidewalks at the curb.

Culebra/Loop 410 Detention Pond – There is one signed instrument and one parcel pending legal resolution in this two-parcel project. Construction on this project is complete.

Loop 410 at Nacogdoches Drainage Improvements - There are six signed instruments and one condemned parcel in the nine-parcel project. Two parcels have been submitted to the City Attorney's Office to begin condemnation proceedings. Advertisement is scheduled for December 2004, with construction to start in March 2005, and is scheduled to be completed in March 2007. 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.

Southcross Blvd. – New Braunfels to Presa MPO – There are 54 signed instruments and one condemned parcel in the 57-parcel project. The remaining two parcels have been submitted to the City Attorney's office for condemnation proceedings. This project is under construction and scheduled to be completed in January 2005. The scope of this project includes the reconstruction of the existing roadway to four lanes with curbs, five-foot sidewalks, necessary drainage, and signal upgrades.

Thousand Oaks Intersections MPO – There is one signed instrument and one condemned parcel in the two-parcel project. This project is under construction and is scheduled to be completed in February 2005.

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 FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$1,629.45 are available from 2004 Issued Certificates of Obligation.

Culebra/Loop 410 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 \$3,638.97 are available from Regional Storm Water Facilities Fund.

Loop 410 at Nacogdoches Drainage Improvements

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 \$28,587.68 are available from 2001 Certificates of Obligation.

Thousand Oaks Intersections

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 \$54.00 are available from 1999 General Obligation Street Improvement Bonds.

Funds in the amount of \$33,946.10 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

1994 General Obligation Drainage Improvement Bonds	\$ 54.00
2001 Certificates of Obligation	\$28,587.68
2004 Certificates of Obligation	\$ 1,665.45
Regional Storm Water Facilities Fund	<u>\$ 3,638.97</u>
	\$33,946.10

COORDINATION

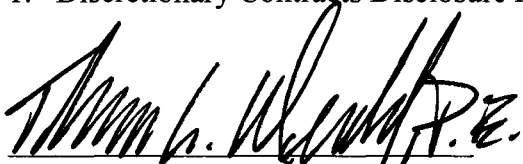
This ordinance was coordinated with the City Attorney's Office, the Finance Department, the Office of Management and Budget, and the Texas Department of Transportation.

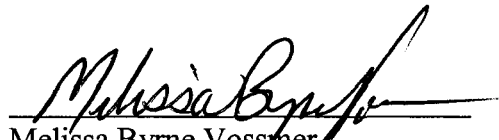
SUPPLEMENTARY COMMENTS

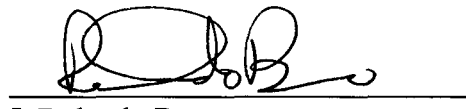
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

1. Discretionary Contracts Disclosure Form


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


Melissa Byrne Vossmer
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:

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: 

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
R. Jo Reser
Frank J. Garza

EXHIBIT "B"

Political Contributions (\$100 or more) to Benefit City Council Members May 15, 2002 through May 18, 2004 (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)

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
Roger Flores Campaign 2003	250.00

2004:

Patti Radle Campaign	500.00
Citizens for Charter Reform	5,000.00
Art A. Hall Campaign	500.00
Chip Haass Campaign	250.00