

**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
CITY COUCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney

SUBJECT: Ordinance ratifying the retention of the firm of Cox Smith Matthews, Incorporated and authorizing payment for legal services necessary to support the CitySouth Project.

DATE: December 16, 2004

SUMMARY AND RECOMMENDATION

An Ordinance ratifying the retention of Cox Smith Matthews, Inc., and authorizing funds in the amount of \$300,000.00 payable to the firm for legal services necessary to assist City staff in the negotiations and planning for major development projects involving both private and public investments in the CitySouth area, appropriating funds; and providing for payment.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

The City of San Antonio had previously retained the services of Cox Smith Matthews, Incorporated to represent the City in various capacities including the successful negotiation of the Starbright Agreement. Currently additional development opportunities exist within the CitySouth Project area that involve substantial private and public investments that will greatly enhance the entire City as well as the CitySouth area. The firm will assist City staff in conducting due diligence reviews, negotiating agreements and providing additional assistance to document the various agreements.

POLICY ANALYSIS

When a particular legal expertise does not exist within the City Attorney's Office, it has been the practice of the City to retain outside assistance, subject to the execution of a legal services contract, which sets out the particular services to be rendered, hourly fees and associated budgets.

FISCAL IMPACT

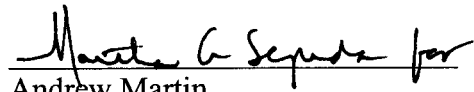
Funds to pay the legal fees and associated expenses as authorized by this Ordinance are available in the FY 2004-2005 budget.

SUPPLEMENTARY COMMENTS

The required ethics disclosure forms are attached.

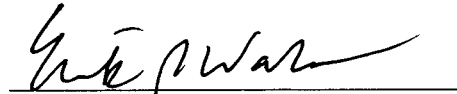
COORDINATION

This action has been coordinated with the City Manager's Office and the Office of Management and Budget.



Andrew Martin

City Attorney



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**¹ that would be a party to the discretionary contract:

Cox Smith Matthews Incorporated

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

Not Applicable

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;

Not Applicable

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.

Not applicable

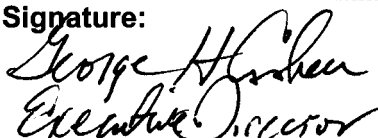
Political Contributions

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:
Please see attached.		

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.

Not applicable		
Signature:  George H. Casbeer	Title: Executive Director Company: Cox Smith Matthews Incorporated	Date: December 8, 2004

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.

POLITICAL CONTRIBUTIONS
Cox Smith Mathews Incorporated
December 8, 2004

<u>To Whom Made:</u>	<u>Amount:</u>	<u>Date of Contribution:</u>
Thomas Aguillon Campaign	\$250	April 2003
Julian Castro	\$300	December 2004
Roger Flores, Jr.	\$300	May 2003
Roger Flores, Jr.	\$225	April 2004
Ed Garza Campaign	\$250	February 2003
Ed Garza Campaign	\$150	March 2003
Ed Garza Campaign	\$150	April 2003
Ed Garza Campaign	\$250	April 2003
Art Hall Campaign	\$250	August 2003
Art Hall Campaign	\$250	July 2004
Art Hall Campaign	\$100	April 2004
Phil Hardberger Campaign	\$200	May 2004
Phil Hardberger Campaign	\$100	May 2004
Phil Hardberger Campaign	\$100	May 2004
Phil Hardberger Campaign	\$500	July 2004
Phil Hardberger Campaign	\$100	July 2004
Phil Hardberger Campaign	\$1,000	Fall 2004
Phil Hardberger Campaign	\$200	August 2004
Phil Hardberger Campaign	\$150	October 2004
Phil Hardberger Campaign	\$100	October 2004
Carroll Schubert Campaign	\$200	March 2003
Carroll Schubert Campaign	\$250	March 2003

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Carroll Schubert Campaign	\$100	April 2003
Carroll Schubert Campaign	\$100	April 2003
Carroll Schubert Campaign	\$100	June 2003
Carroll Schubert Campaign	\$500	July 2004
Carroll Schubert Campaign	\$100	July 2004
Carroll Schubert Campaign	\$250	August 2004
Carroll Schubert Campaign	\$500	August 2004
Carroll Schubert Campaign	\$150	August 2004
Ron Segovia Campaign	\$100	August 2003