

**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:** Davidson & Troilo, P.C. Legal Fees

**DATE:** April 7, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance appropriates funds in the amount of \$10,053.60 payable to Davidson & Troilo, P.C., for legal services in connection with the Babcock Road/Leon Creek Improvements-Hausman to DeZavala project (\$564.39), located in Council District 8; Bitters Road – West Avenue to Heimer Metropolitan Planning Organization project (\$522), located in Council District 9; Culebra/Loop 410 Detention Pond project (\$2,759.10), located in Council District 6; Loop 410 at Nacogdoches Drainage Improvement project (\$5,025.21), located in Council Districts 9 and 10; and the Mission Trails Package IV project (\$1,182.90), located in Council Districts 1, 3, and 5.

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.

**Babcock Road – Huebner to DeZavala** – There are 22 signed instruments and 2 condemned parcels in the 26-parcel project. The two remaining parcels have been submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete. The scope of this project included the reconstruction of Babcock Road from Hausman to Nickle and from DeZavala to a point west of Spring Rain to a typical 44-foot width. It also included the construction of new bridges at Huesta and Leon Creeks and new curbs, sidewalks, and driveways.

**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 May 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 movement through the intersection of U.S. 281 and Bitters, and provides upgrades to traffic signalization. This project also includes the construction of sidewalks.

**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. The scope of this project provided for construction of a detention pond to serve as a regional stormwater facility to reduce peak discharges downstream of Loop 410. The facility was proposed in the Leon Creek Watershed Master Drainage Plan prepared by Pape-Dawson Engineers in November 1996.

**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 for condemnation proceedings. This project was advertised in December 2004, with construction projected to start in June 2005, and is scheduled to be completed by June 2007. The scope of this project includes the construction of drainage improvements from IH 410 just west of Nacogdoches to Haskin.

**Mission Trails Package IV** – There are nine signed instruments in the 10-parcel project. One parcel has been submitted to the City Attorney's office for condemnation proceedings. The scope of this project provides for street and drainage improvements and enhancements on Mission Road from Mitchell to Roosevelt and on Roosevelt from Mission Road to St. Mary's Street. This project also includes enhancements on Alamo from Durango to Alamo Plaza. This phase of this project is currently funded for design and right of way acquisition only.

## **POLICY ANALYSIS**

Charges for such services are reasonable and necessary expenses related to the above mentioned projects.

## **FISCAL IMPACT**

### **Babcock Road – Huebner to DeZavala**

This is a one-time capital improvement expenditure within budget and is not included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$564.39 are available from 1994 General Obligation Drainage Improvement Bonds.

### **Bitters Road – West Avenue to Heimer (MPO)**

This is a one-time capital improvement expenditure within budget and is not included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$522 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 \$2,759.10 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 \$5,025.21 are available from 2001 Certificates of Obligation.

**Mission Trails Package IV**

This is a one-time capital improvement expenditure within budget and is included in the FY 05-FY10 Capital Improvement Program Budget. Funds in the amount of \$1,182.90 are available from 2001 Certificates of Obligation.

Funds in the amount of \$10,053.60 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

|  |                    |
|--|--------------------|
| 1994 General Obligation Drainage Improvement Bonds | \$ 564.39          |
| 2001 Certificates of Obligation                    | \$ 6,208.11        |
| 2004 Certificates of Obligation                    | \$ 522.00          |
| Regional Storm Water Facilities                    | <u>\$ 2,759.10</u> |
|  | \$10,053.60        |

**COORDINATION**

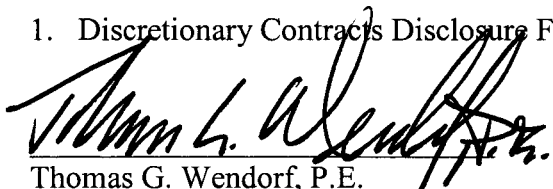
This ordinance was coordinated with the City Attorney's Office, the Finance Department, the Office of Management and Budget, and the Texas Department of Transportation.

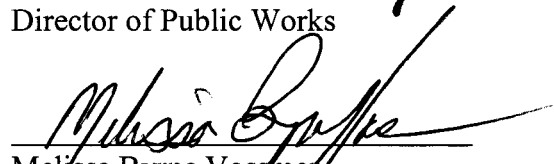
**SUPPLEMENTARY COMMENTS**

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**<sup>1</sup> 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.

<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.

(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.<br>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 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.

None known.

| Signature:  | Title: Senior Vice-President        | Date:   |
|---|-------------------------------------|---------|
| <br>Terry Topham | Company: Davidson & Troilo,<br>P.C. | 11/9/04 |

<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.

**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 October 15, 2002 through October 21, 2004 (24 months)

| <u>Name of Councilperson</u> | <u>Contribution Amount</u> |
|------------------------------|----------------------------|
|------------------------------|----------------------------|

Made by Davidson & Troilo Committee for Civic Awareness (a political action committee)

#### 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   |
| Joel Williams Campaign      | 200.00   |
| Ron Segovia Campaign        | 300.00   |
| Richard Perez Campaign      | 250.00   |
| Patti Radle Campaign        | 200.00   |