

CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM

ITEM NO. 13

TO: Mayor and City Council

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

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

DATE: June 16, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$57,687.89 payable to Davidson & Troilo, P.C., for legal services in connection with the Babcock Road/Leon Creek Improvements-Hausman to DeZavala project (\$360), located in Council District 8; Bitters Road – West Avenue to Heimer Metropolitan Planning Organization (MPO) project (\$288), located in Council District 9; Culebra/Loop 410 Detention Pond project (\$13,078.35), located in Council District 6; Loop 410 at Nacogdoches Drainage Improvement project (\$41,167.94), located in Council Districts 9 and 10; and the Mission Trails Package IV project (\$2,793.60), located in Council District 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 – Hausman 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. Construction on this project is complete. The scope of this project included 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 upgrades to traffic signalization. This project also included 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. This project was constructed to serve as a regional storm water facility to reduce peak discharges downstream of Loop 410. The “facility” constitutes a series of berms, concrete walls, culverts, and swales used to contain stormwater flows in the Leon Creek.

Loop 410 at Nacogdoches Drainage Improvements - There are six signed instruments and one condemned parcel in the nine-parcel project. The remaining two parcels have been submitted to the City Attorney’s Office for condemnation proceedings. This project is currently under construction and scheduled to be completed in June 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 movement through the intersection of U.S. 281, and upgrades to traffic signalization. This project will also include the construction of six-foot sidewalks at the curb.

Mission Trails Package IV – There are seven signed instruments in the 10-parcel project. One parcel has been submitted to the City Attorney’s office for condemnation proceedings. The two remaining parcels are still in negotiation. 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 also includes enhancements on Alamo from Durango to Alamo Plaza. This phase of the Mission Trails Project is currently only funded for design and right of way acquisition.

POLICY ANALYSIS

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

FISCAL IMPACT

Babcock Road – Hausman to DeZavala

This is a one-time capital improvement expenditure not within budget and is not included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$360 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 included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$288 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 \$13,078.35 are available from the 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 \$41,167.94 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 \$2,793.60 are available from 2001 Certificates of Obligation.

Funds in the amount of \$57,687.89 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

1994 General Obligation Drainage Improvement Bonds	\$ 360.00
2001 Certificates of Obligation-Drainage	\$41,167.94
2001 Certificates of Obligation-Streets	\$ 2,793.60
2004 Certificates of Obligation	\$ 288.00
Regional Storm Water Facilities Fund	<u>\$13,078.35</u>
	\$57,687.89

COORDINATION

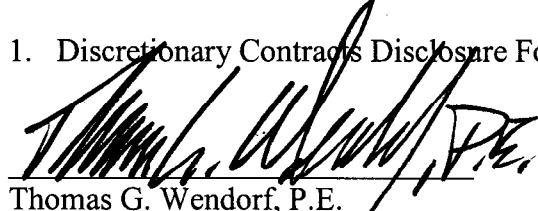
This ordinance was coordinated with the City Attorney's Office, the Finance Department, and the Office of Management and Budget.

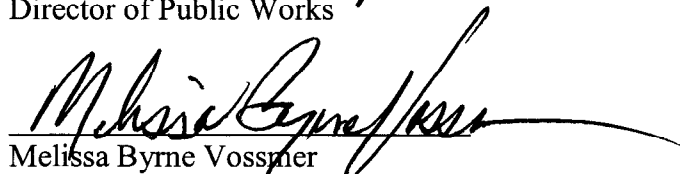
SUPPLEMENTARY COMMENTS

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 Vossner
Assistant City Manager


J. Rolando Rono
Interim City Manager

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AN ORDINANCE

AUTHORIZING PAYMENT IN THE AMOUNT OF \$57,687.89 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO DAVIDSON & TROILO, P.C. FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO DEZAVALA PROJECT, LOCATED IN COUNCIL DISTRICT 8; BITTERS ROAD - WEST AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; THE CULEBRA/LOOP 410 DETENTION POND PROJECT, LOCATED IN COUNCIL DISTRICT 6; LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; AND THE MISSION TRAILS PACKAGE IV PROJECT, LOCATED IN COUNCIL DISTRICT 1, 3, AND 5; REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * * *

WHEREAS, legal services were required for various projects; and

WHEREAS, charges for such services are reasonable and necessary expenses relating to the above-mentioned projects; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The total amount of \$57,687.89 is hereby authorized to be encumbered from the financial adjustments stated below and made payable to **DAVIDSON & TROILO, P.C., 7550 West IH-10, Suite 800, San Antonio, Texas, 78229-5815** for the Projects indicated.

SECTION 2. The following financial adjustments are hereby authorized to effect this Ordinance:

A. The amount of \$360.00 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", and is authorized to be encumbered and made payable to Davidson & Troilo, P.C., in connection with the Babcock Road - Hausman to deZavala Project.

B. The amount of \$288.00 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", and is authorized to be encumbered and made payable to Davidson & Troilo, P.C., in connection with the Bitters Road - West Ave to Heimer (MPO) Project.

C. The amount of \$13,078.35 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", and is authorized to be encumbered and made payable to Davidson & Troilo, P.C., in connection with the Culebra/Loop 410 Detention Pond Project.

D. The amount of \$41,167.94 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", and is authorized to be encumbered and made payable to Davidson & Troilo, P.C., in connection with the Loop 410 at Nacogdoches Drainage Improvements Project.

E. The amount of \$2,793.60 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", and is authorized to be encumbered and made payable to Davidson & Troilo, P.C., in connection with the Mission Trails Package IV Project.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the Interim City Manager or the Interim City Manager's designee, correct allocation to specific SASP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective on the _____ day _____, 2005.

PASSED AND APPROVED this the _____ day of _____, 2005.

M A Y O R

ATTEST:

CITY CLERK

APPROVED AS TO FORM: _____

City Attorney

City of San Antonio
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity¹ that is a **party** to the discretionary contract:

Davidson & Troilo, P.C.

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☐ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

See attached Exhibit "A" for shareholders of Davidson & Troilo, P.C.

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

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. A sole proprietor should list the name of the individual and the d/b/a, if any.

(5) Political Contributions

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):

☐ No contributions made; If contributions made, list below:

By Whom Made:	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.			


(6) Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

Signature: 	Title: Senior Vice-President Company or D/B/A: Davidson & Troilo, P.C.	Date: 5/24/05
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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, 2003 through May 15, 2005 (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)

2003:

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

EXHIBIT "B"
continued

Political Contributions (\$100 or more) to Benefit City Council Members
February 15, 2003 through February 15, 2005 (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)

2005:

Kevin Wolff Campaign	500.00
Richard Perez Campaign	250.00*
Roger Flores Campaign	500.00
Art A. Hall Campaign	500.00
Joel V. Williams Campaign	250.00

Contributions made by R. Gaines Griffin

2005:

Phil Hardberger Campaign	\$750.00
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*Mr. Perez returned the \$500.00 check (in April 22, 2005) because the contribution exceeded his allowable contribution amount during his campaign. The check was replaced on April 28, 2005, in the amount of \$250.00.