

CONSENT AGENDA
ITEM NO. 21

**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: Wingate/Oriental/Floyd #1050

DATE: August 25, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes and appropriates funds in the amount of \$3,350 payable to Lawyers Title of San Antonio, as escrow agent for Rudy S. Benavides and wife, Gloria M. Benavides, for Fee Simple title to one parcel of land (\$2,500), and Title Fees (\$850); authorizing and appropriating funds in the amount of \$500 payable to James W. Ponton LLC, for appraisal services; for a total ordinance amount of \$3,850 in connection with the Wingate/Oriental/Floyd Drainage #1050 project, an authorized 1994 General Obligation Drainage Bond funded project located in Council District 5.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

The project scope called for extension of the existing drainage system on S. Brazos to Floyd with a new system and a total reconstruction of Wingate and Floyd Streets, including curbs, sidewalks, driveway approaches and necessary drainage. Also combined with the project were water and sewer line improvements funded by the San Antonio Water System and gas line improvements funded by City Public Service. This project was completed in April 2000.

Mr. Benavides is requesting compensation in the amount of \$2,500 for a 0.011 acre (482.78 square feet) tract of land that was inadvertently identified as public right of way and utilized by the City in connection with the Wingate/Oriental/Floyd Drainage #1050 Project. A corner portion of Mr. Benavides' property was clipped to allow a right turn lane connecting Oriental and Floyd streets.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1994 General Obligation Drainage Improvement Bond funded Capital Improvement Projects.

FISCAL IMPACT

This is a one-time capital expenditure not within budget and not included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$3,850 are available from 1994 General Obligation Drainage Improvement Bond funds and are authorized payable and appropriated as follows:

Lawyers Title of San Antonio	\$2,500	Fee Simple
Lawyers Title of San Antonio	\$ 850	Title Fee
James W. Ponton LLC	<u>\$ 500</u>	Appraisal Fee
	\$3,850	

COORDINATION

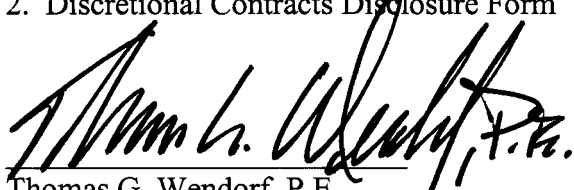
This ordinance was coordinated with the City Attorney's Office, the Finance Department, and the Office of Management and Budget.

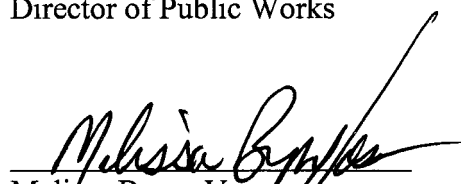
SUPPLEMENTARY COMMENTS

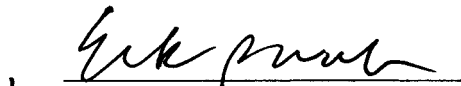
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

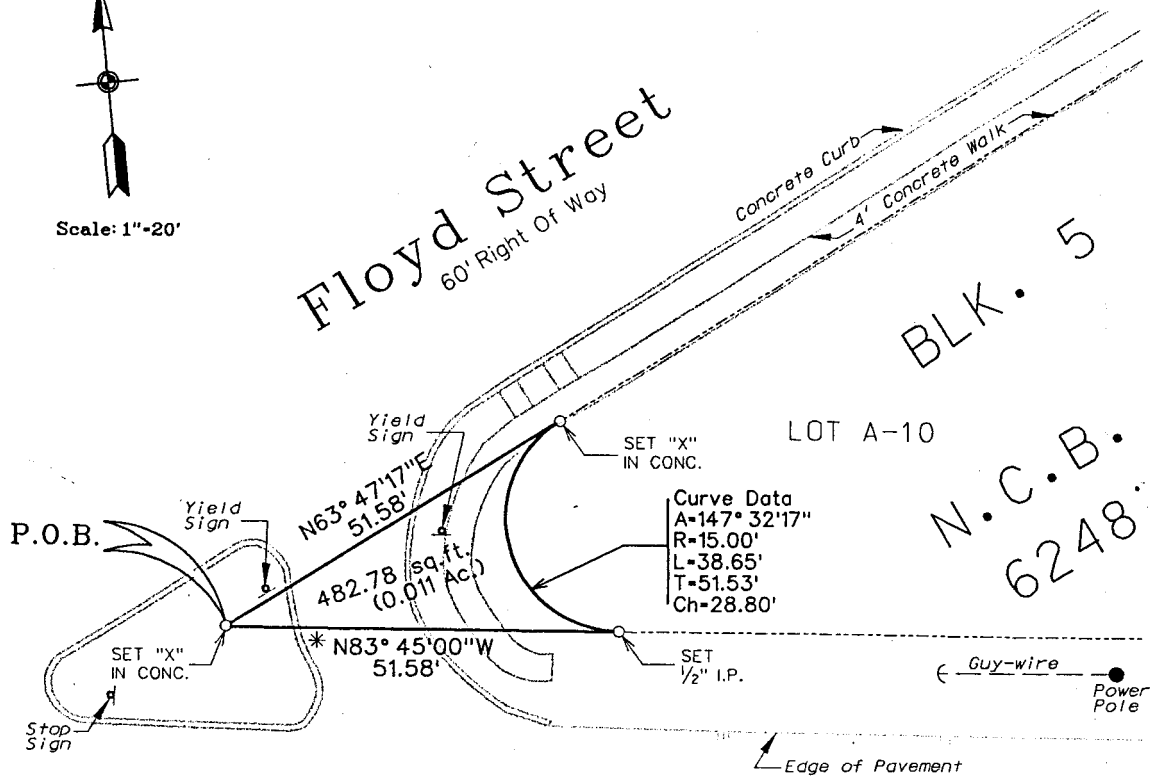
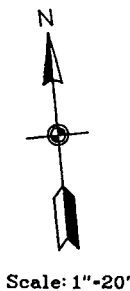
ATTACHMENTS

1. Project Map
2. Discretionary Contracts Disclosure Form


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


Melissa Byrne Vossmer
Assistant City Manager


J. Rolando Bono
City Manager



Oriental Avenue

60' Right Of Way

Plat Reference:
Pershing Place Subdivision
Volume 368, Page 288
Deed & Plat Records
Bexar County, Texas

* Reference Bearing:
Central Maint. Facility for SAHA Sub'd.
Volume 9539, Page 100
Deed & Plat Records
Bexar County, Texas

Owner:
Rudy S. Benavides
Vol. 3829, Pg. 2009
Real Property Records
Bexar County, Texas

SURVEY OF:

A FEE SIMPLE TRACT OF LAND CONTAINING
482.78 SQ. FT. (0.011 AC.) OUT OF LOT A-10,
BLOCK 5, N.C.B. 6248, CITY OF SAN ANTONIO,
BEXAR COUNTY, TEXAS

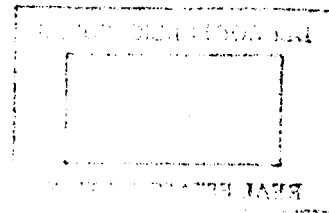
STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT
IS TRUE AND CORRECT ACCORDING TO AN
ACTUAL SURVEY MADE ON THE GROUND
UNDER MY SUPERVISION AND THAT THERE
ARE NO VISIBLE ENCROACHMENTS OR
EASEMENTS EXCEPT AS SHOWN.

THIS 26TH DAY OF JAN., 2005.

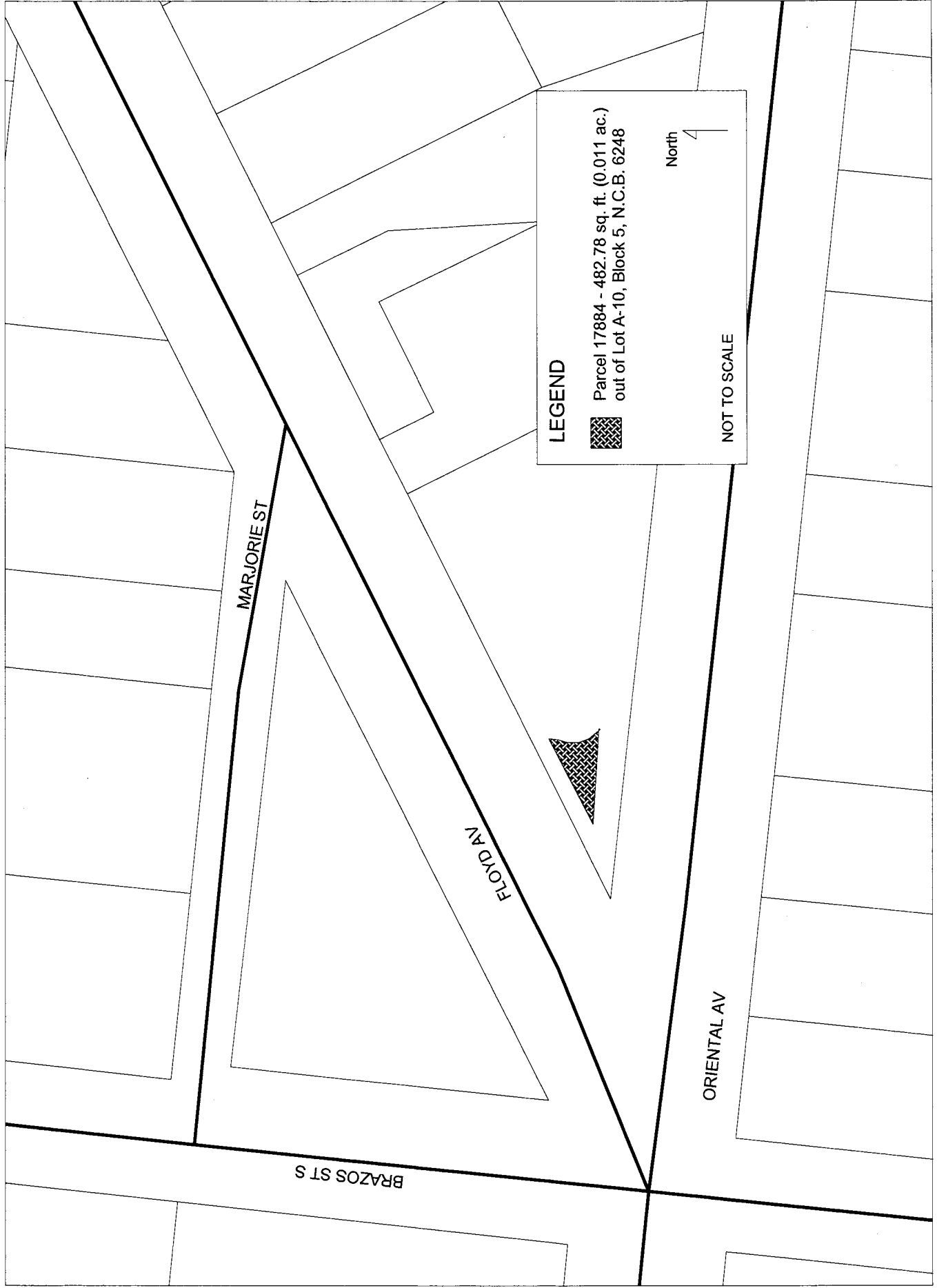
Razi Hosseini

RAZI S. HOSSEINI
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5174



CITY OF SAN ANTONIO
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
DATE: JANUARY 26, 2005
SURVEYOR: N. DEL VALLE, BK. 32

WINGATE/ORIENTAL/FLOYD #1050



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:

(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:

LandAmerica
Lawyers Title of San Antonio

(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:

(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.

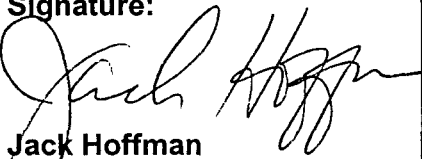


Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

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:


Jack Hoffman

Title: Vice-President

Company or D/B/A:

LandAmerica

Lawyers Title of San Antonio

Date:

05/19/05

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.

City of San Antonio
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James W. Ponton LLC

(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:

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

☒ **No subcontractor(s); or**

List subcontractors:

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List lobbyists or public relations firms:

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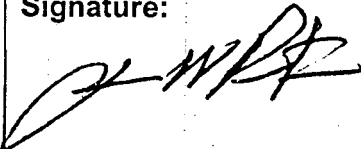
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Signature: 	Title: Company or D/B/A: James W. Ponton LLC	Date: 08/04/05
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