

CONSENT AGENDA
ITEM NO. 18

**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: Bracewell & Giuliani, LLP Legal Fees

DATE: September 29, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$27,887.59 payable to Bracewell & Giuliani, L.L.P. for legal services in connection with the Cherry Street Drainage #15B Phase II project (\$758.83), Culebra Drainage #58F project (\$513.15), Escalon Street #1008 Drainage project (\$269.26), Hi-Lions Drainage #80 Phases III & V project (\$8,612.08), Houston Street – Walters to Onslow MPO project (\$201.69), Laddie Place Regional Storm Water Facility Phase I project (\$243), Military Drive West to Reed Road (\$1,936.48), Octavia Drainage #63, Phase II, Part I project (\$144.45), Pecan Valley – I.H. 10 to J Street MPO project (\$149.28), Pleasanton Road – Southcross to Mayfield project (\$5,837.06), San Antonio River Improvements project (\$498.11), South Flores Drainage #70-70A Phase II-Part 3 project (\$134.16), Western Avenue Drainage #74 IIIA project (\$4,703.75), W.W. White-Rigsby to Lord Road project (\$1,649.93), and the Fay Phase I Community Development Block Grant (CDBG) project (\$2,236.36). These projects are located in various City Council Districts and are funded from General Obligations of the City and Community Development Block Grant (CDBG) funds.

Staff recommends the 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.

Cherry Street Drainage #15B Phase II – There are 23 signed instruments in the 27-parcel project. Four parcels were submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete. The City has a Right of Entry Agreement on the parcel currently in condemnation.

Culebra Drainage #58F Phase II – There are 46 signed instruments in the 56-parcel project. Eight parcels are in negotiations, and two parcels were submitted to the City Attorney's Office for condemnation proceedings. The project is currently under construction and scheduled to be completed in December 2006. This project will improve 4,000 feet of Zarzamora Creek from Rubidoux to Culebra Road including necessary utility improvements.

Escalon Street #1008 Drainage – All of the necessary parcels have been acquired in this 10-parcel project. Construction on this project is complete.

Hi-Lions Drainage #80 Phases III & V – There are 69 signed instruments in the 70-parcel project. The one remaining parcel is in negotiation. Construction on this project is complete.

Houston Street – Walters to Onslow (MPO) – There is one signed instrument and one condemned parcel in the two-parcel project. Construction on this project is complete.

Laddie Place Regional Storm Water Facility Phase I – There is one signed instrument and one condemned parcel in the two-parcel project. One parcel was submitted to the City Attorney's Office for condemnation proceedings. The scope of this project includes the design and construction of a Regional Storm Water Facility (Detention Pond) in the Woodlawn Lake area. The expected storm water detention will mitigate flooding in the Laddie/Kampmann area.

Military Drive West to Reed Road - The primary purpose of this project was to acquire one parcel of land in order to connect Military Drive West to Reed Road. Construction on this project is complete.

Octavia Drainage #63, Phase II, Part I – There are 72 signed instruments in the 74-parcel project. The two remaining parcels were submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

Pecan Valley – I.H. 10 to J Street (MPO) – There are 33 signed instruments and three condemned parcels in the 36-parcel project. Construction on this project is complete.

Pleasanton Road – Southcross to Mayfield (MPO) – There are 17 signed instruments and three condemned parcels in the 20-parcel project. Construction on this project is complete.

San Antonio River Improvements – The primary purpose of this project was to shore up and strengthen the retaining walls along the River Walk adjacent to the property located at the northwest corner of Convent and Augusta Streets. This project also provided a handicap entrance onto the River Walk with an approach area in this location. Construction on phases of this project will be ongoing through 2011.

South Flores Drainage #70-70A Phase II Part 3 – There are 63 signed instruments and one condemned parcel in the 64-parcel project. The remaining parcel was submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

Western Avenue Drainage Project #74, Phase III A – There are 17 signed instruments and eight condemned parcels in the 25-parcel project. Construction on this project is complete.

W. W. White Road from Rigsby to Lord Road – There are 42 signed instruments and two condemned parcels in the 45-parcel project. The remaining parcel has been submitted to the City Attorney's Office for condemnation proceedings. Construction on this project is complete.

Fay Phase I CDBG – There are nine signed instruments and one condemned parcel in the 10-parcel project. Construction on this project is complete.

POLICY ANALYSIS

Approval of this ordinance for payment of legal services is necessary to complete the real estate transactions on the acquisition of properties in these projects.

FISCAL IMPACT

Cherry Street Drainage #15B Phase II

This is a one-time capital improvement expenditure not within budget. This expenditure is not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$758.83 are available from 1985 General Obligation Drainage Bonds.

Culebra Drainage #58F

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 \$513.15 are available from 28th Year Community Development Block Grant Funds.

Escalon Street #1008 Drainage

This is a one-time capital improvement expenditure not within budget. This expenditure is not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$269.26 are available from 1994 General Obligation Drainage Bonds.

Hi-Lions Drainage #80 Phases III & V

This is a one-time capital improvement expenditure within budget and not included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$8,612.08 are available from Hi-Lions Drainage Project Construction Contingency balance.

Houston Street – Walters to Onslow (MPO)

This is a one-time capital improvement expenditure not within budget and not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$201.69 are available from 1996 Certificates of Obligation.

Laddie Place Regional Storm Water Facility Phase I

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 \$243.00 are available from 2003 Storm Water Revenue Bonds.

Military Drive West to Reed Road

This is a one-time capital improvement expenditure not within budget. This expenditure is not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance

will appropriately modify the Capital Budget. Funds in the amount of \$1,936.48 are available from 1996 Certificates of Obligation.

Octavia Drainage #63, Phase II, Part I

This is a one-time capital improvement expenditure not within budget. This expenditure is not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$144.45 are available from 1999 General Obligation Drainage Improvement Bonds.

Pecan Valley – I.H. 10 to J Street (MPO)

This is a one-time capital improvement expenditure not within budget. This expenditure is not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$149.28 are available from 1999 General Obligation Street Bonds.

Pleasanton Road – Southcross to Mayfield

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 \$5,837.06 are available from 2002 Certificates of Obligation.

San Antonio River 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 \$498.11 are available from 2003 Storm Water Revenue Bonds.

South Flores Drainage #70-70A Phase II Part 3

This is a one-time capital improvement expenditure within budget and not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$134.16 are available from 1987 General Obligation Drainage Bonds.

Western Avenue Drainage Project #74, Phase III A

This is a one-time capital improvement expenditure within budget and not included in the FY05-FY10 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$4,703.75 are available from 1985 General Obligation Drainage Bonds.

W. W. White – Rigsby to Lord

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 \$1,649.93 are available from 2001 Certificates of Obligation.

Fay Phase I Community Development Block Grant

This is a one-time capital improvement expenditure within budget and included in the FY05-FY10 Capital Improvement Program Budget. Funds in the amount of \$2,236.36 are available from Fay Phase I Project Construction Contingency Balances.

Funds in the amount of \$27,887.59 are available from the following funding sources and authorized payable to Bracewell & Giuliani, L.L.P.:

1985 General Obligation Drainage Bonds	\$ 5,462.58
1987 General Obligation Drainage Bonds	\$ 134.16
1994 General Obligation Drainage Bonds	\$ 269.26
1996 Certificates of Obligation	\$ 2,138.17
1999 General Obligation Drainage Bonds	\$ 144.45
1999 General Obligation Street Bonds	\$ 149.28
2001 Certificates of Obligation	\$ 1,649.93
2002 Certificates of Obligation	\$ 5,837.06
2003 Storm Water Revenue Bonds	\$ 741.11
Community Development Block Grant (CDBG)	\$ 513.15
Fay Phase I Project Construction Contingency balance	\$ 2,236.36
Hi-Lions Drainage Project Construction Contingency balance	\$ 8,612.08
	<u>\$27,887.59</u>

COORDINATION

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


SUPPLEMENTARY COMMENTS

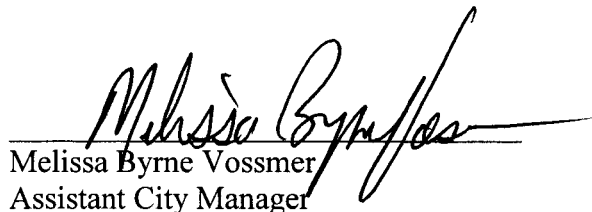
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

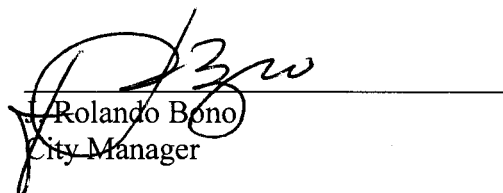
1. Discretionary Contracts Disclosure Form



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



Melissa Byrne Vossmer
Assistant City Manager



Rolando Bono
City Manager

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:

Bracewell & Giuliani LLP, f/k/a Bracewell & Patterson, L.L.P., is the business entity that is the 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:

See attached list of Bracewell & Giuliani LLP partners at Exhibit A.

(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 list at Exhibit B.			


(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: Partner in Charge – San Antonio Office Company or D/B/A: Bracewell & Giuliani LLP	Date: 4/28/05
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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.

Office	Name
Austin	Adkins, Thomas W.
Austin	Barrera, Ruben R.
Austin	Benesh, W. S.
Austin	Ford, Joseph M.
Austin	Fox, Paul W.
Austin	Gourley, Lacey L.
Austin	Groten, Eric
Austin	Hegland, Roberta J.
Austin	McHugh, Colleen .
Austin	Ramirez, Kenneth R.
Austin	Ricketts, Philip F.
Austin	Taylor, Andrew M.
Austin	Watson, Robert A.
Dallas	Bailey, Kennon B.
Dallas	Boone, Gayle A.
Dallas	Brown, Sanford M.
Dallas	Davis, Janice Z.
Dallas	Dinnin, Michael L.
Dallas	Guerin, Charles A.
Dallas	Knowles, Mark B.
Dallas	Kyle, Alfred G.
Dallas	Millard, William H.
Dallas	Rentzel, Christopher H.
Dallas	Scott, Lynn R.
Dallas	Stricklin, Samuel M.
Dallas	Tankersley, Michael W.
Dallas	Whitaker, Elizabeth D.
Dallas	Williams, Lon R.
Dallas	Wisk, Allan C.
Houston	Aksamit, Roger D.
Houston	Aldis, Jay R.
Houston	Anderson, William S.
Houston	Ballard, Glenn A.
Houston	Barr, John H.
Houston	Blanco, Ileana M.
Houston	Bland, John L.
Houston	Bopp, Gregory M.
Houston	Borreca, Christopher P.
Houston	Bradley, James E.
Houston	Brantley, John R.

Office	Name
Houston	Brenner, Margaret T.
Houston	Brown, Heather L.
Houston	Brown, Lisa A.
Houston	Carter, Lesa L.
Houston	Clarke, Robert L.
Houston	Connelly, Michael C.
Houston	Crain, Stephen B.
Houston	Dade, W. C.
Houston	Daniels, Douglas A.
Houston	Dumesnil, Bryan S.
Houston	Edison, Andrew M.
Houston	Evans, Mark C.
Houston	Fraissinet, Philip D.
Houston	Frels, Kelly
Houston	Gilbert, Christopher B.
Houston	Giles, Neil E.
Houston	Giraud, Charles W.
Houston	Glover, Randall K.
Houston	Gonsoulin, Dewey J.
Houston	Gonzalez, George Y.
Houston	Gunter, J. C.
Houston	Gutermuth, William D.
Houston	Halevy, Amy K.
Houston	Harris, Warren W.
Houston	Hayes, William J.
Houston	Herring, Laura B.
Houston	Hester, Tracy D.
Houston	Hodgins, David B.
Houston	Hollingsworth, Jarvis V.
Houston	Horner, Jeffrey J.
Houston	Horton, Janet L.
Houston	Hull, Robert J.
Houston	Hunt, Martin J.
Houston	Jacobs, Jennifer W.
Houston	Jocz, Bruce R.
Houston	Kaim, Henry J.
Houston	Keneally, Walter S.
Houston	Kennedy, Ross D.
Houston	Kimball, Albert B.
Houston	Kneese, V. S.

Office	Name
Houston	Kuhn, Michael
Houston	Kurtz, Marcy E.
Houston	Locascio, David W.
Houston	Long, Geoffrey A.
Houston	Luedke, William T.
Houston	Manford, Thomas D.
Houston	Marston, Edgar J.
Houston	McAnelly, W. J.
Houston	McBride, Ralph D.
Houston	McDowell, David T.
Houston	Miles, Robin J.
Houston	Moore, Thomas O.
Houston	Muzzy, Gray H.
Houston	Nichols, Robert S.
Houston	Orloff, Gary W.
Houston	Oxford, Patrick C.
Houston	Ozdogan, Mary C.
Houston	Parsons, Katherine D.
Houston	Patman, Carrin F.
Houston	Rafte, G. A.
Houston	Renfro, Tracie J.
Houston	Rhebergen, Constance G.
Houston	Rice, Richard C.
Houston	Roffwarg, Aaron P.
Houston	Sampson, Phillip L.
Houston	Sanders, Scott C.
Houston	Schneider-Vogel, Merri
Houston	Scott, Ronald
Houston	Sharp, Phillip D.
Houston	Sholeen, Eden P.
Houston	Spalding, Andrew F.
Houston	Stephens, Robert G.
Houston	Stephenson, Phyllis P.
Houston	Still, Charles H.
Houston	Symonds, Margaret B.
Houston	Telle, Michael S.
Houston	Temple, Tracy C.
Houston	Thompson, Clark G.
Houston	Thompson, J. D.
Houston	Tobor, Ben D.

Office	Name
Houston	Tomlinson, Thomas M.
Houston	Vest, G. W.
Houston	Visage, Tony L.
Houston	Vittor, Jose L.
Houston	Wege, Mark W.
Houston	Whittle, Jeffrey S.
Houston	Wilde, Carlton
Houston	Wilkins, Timothy A.
Houston	Witschey, R. D.
Houston	Wood, William A.
Kazakhstan	Couch, John A.
Kazakhstan	Vojack, Gregory J.
New York	Connolly, Daniel S.
New York	Giuliani, Rudolph W.
New York	Hess, Michael D.
San Antonio	Bannwolf, Timothy H.
San Antonio	Barrera, Mario A.
San Antonio	Barrera, Ruben R.
San Antonio	Byrd, Leslie S.
San Antonio	Danysh, Richard C.
San Antonio	Garcia, Victoria M.
San Antonio	Harris, J. J.
San Antonio	Johnson, Russell S.
San Antonio	Jones, Mark A.
San Antonio	Kizziar, James H.
San Antonio	Ruttenberg, Frank Z.
San Antonio	Smith, Annalyn G.
San Antonio	Wells, J. T.
Washington	Anikeeff, Anthony H.
Washington	Bethune, Edwin R.
Washington	Brack, William T.
Washington	Chapman, James L.
Washington	Cope, John R.
Washington	Ewing, Kevin A.
Washington	Foote, George M.
Washington	Godley, Gene E.
Washington	Hogwood, Stephen F.
Washington	Horn, Richard D.
Washington	Israel, Benjamin L.
Washington	Jaeger, Lisa M.

Office	Name
Washington	Kearney, Andrea M.
Washington	Krachman, Albert B.
Washington	Lister, Penelope M.
Washington	Nelson, Nancy J.
Washington	Nido, Luis M.
Washington	O'Connor, Nancy M.
Washington	Pate, Michael L.
Washington	Petersen, John C.
Washington	Racicot, Marc F.
Washington	Rich, Randall S.
Washington	Segal, Scott H.
Washington	Shoneman, Charles H.
Washington	Watkiss, Jeffrey D.
Washington	Williams, George H.
Washington	Wodka, Nancy A.
Washington	Zipp, Joel F.

POLITICAL CONTRIBUTIONS

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
J. Tullos Wells	Patti Radle	\$500.00	May 9, 2003
Various contributors*	Art Hall	\$600.00	As reported in October 31, 2003 report
Various contributors*	Carroll Schubert	\$2,900.00	As reported in October 31, 2003 report
Various contributors*	Roger Perez	\$500.00	As reported in October 31, 2003 report
Various contributors*	Patti Radle	\$1,200.00	As reported in October 31, 2003 report
Various contributors*	Roger Flores, Jr.	\$250.00	As reported in October 31, 2003 report
George P. Parker, Jr.	Phil Hardberger	\$500.00	May 24, 2004
Various contributors*	Art Hall	\$100.00	As reported in June 10, 2004 report
Various contributors*	Patti Radle	\$1,200.00	As reported in June 10, 2004 report
Various contributors*	Roger Perez	\$500.00	As reported in June 10, 2004 report
Various contributors*	Roger Flores, Jr.	\$250.00	As reported in June 10, 2004 report
James H. Kizziar, Jr.	Carroll Schubert	\$500.00	July 19, 2004
J. Tullos Wells	Carroll Schubert	\$2,500.00	July 28, 2004
Various contributors*	Phil Hardberger	\$750.00	As reported in December 15, 2004 report
Various contributors*	Carroll Schubert	\$7,351.93	As reported in December 15, 2004 report
George P. Parker, Jr.	Phil Hardberger	\$500.00	January 24, 2005
J. Tullos Wells	Joel Williams	\$250.00	March 7, 2005
Mario A. Barrera	Roger Flores	\$100.00	March 14, 2005
George P. Parker, Jr.	Phil Hardberger	\$500.00	April 14, 2005
Frank Z. Ruttenberg	Phil Hardberger	\$1,000.00	Within the last 24 months
Russell S. Johnson	Phil Hardberger	\$500.00	Within the last 24 months

*Data on individual contributor no longer available.

EXHIBIT B