

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA
ITEM NO. 30

TO: Mayor and City Council

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

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

DATE: November 17, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes funds in the amount of \$20,303.57 payable to Davidson & Troilo, P.C., for legal services in connection with the Babcock Road/Leon Creek Improvements-Hausman to DeZavala project (\$15,163.43), located in Council District 8; Culebra/Loop 410 Detention Pond project (\$3,070.63), located in Council District 6; Culebra Drainage #58F Community Development Block Grant (CDBG) project (\$953.71), located in Council District 7; Loop 410 at Nacogdoches Drainage Improvement project (\$935.80), located in Council Districts 9 and 10; and the Mission Trails Package IV project (\$180), located in Council Districts 1, 3, and 5. These projects are funded from General Obligations of the City and Community Development Block Grant Funds.

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/Leon Creek Improvements – 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.

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.

Culebra Drainage #58F CDBG

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. This project will improve 4,000 feet of Zarzamora Creek from Rubidoux to Culebra Road including necessary utility improvements. This project is currently under construction and scheduled to be completed in September 2006.

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 construction of drainage improvements from I.H. 410 just west of Nacogdoches to Haskin.

Mission Trails Package IV – There are eight signed instruments and one condemned parcel in the 10-parcel project. The remaining 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, such as sidewalks and brick pavers, on Mission Road from Mitchell to Roosevelt and on Roosevelt from Mission Road to St. Mary's Street. Enhancements are also included on Alamo from Durango to Alamo Plaza. This phase 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/Leon Creek Improvements – Hausman to DeZavala

This is a one-time capital improvement expenditure not within budget. This expenditure was not included in the FY06-FY11 Capital Improvement Program Budget. Approval of this ordinance will appropriately modify the Capital Budget. Funds in the amount of \$15,163.43 are available from the previously authorized construction contingency.

Culebra/Loop 410 Detention Pond

This is a one-time capital improvement expenditure within budget and is included in the FY06-FY11 Capital Improvement Program Budget. Funds in the amount of \$3,070.63 are available from the previously authorized project contingency.

Culebra Drainage #58F CDBG

This is a one-time capital improvement expenditure within budget and is included in the FY06-FY11 Capital Improvement Program Budget. Funds in the amount of \$953.71 are available from Community Development Block Grant Funds.

Loop 410 at Nacogdoches Drainage Improvements

This is a one-time capital improvement expenditure within budget and is included in the FY06-FY11 Capital Improvement Program Budget. Funds in the amount of \$935.80 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 06-FY11 Capital Improvement Program Budget. Funds in the amount of \$180.00 available from 2002 Certificates of Obligation.

Funds in the amount of \$20,303.57 are available from the following funding sources and authorized payable to Davidson & Troilo, P.C.:

1994 General Obligation Street Improvement Bonds	\$15,163.43
2001 Certificates of Obligation	\$ 935.80
2002 Certificates of Obligation	\$ 180.00
Regional Storm Water Facilities Fund	\$ 3,070.63
Community Development Block Grant Funds	<u>\$ 953.71</u>
	\$20,303.57

COORDINATION

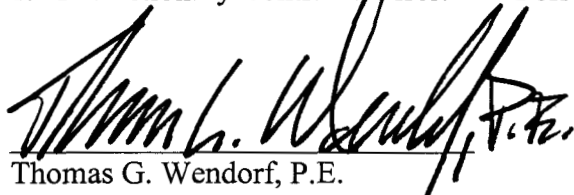
This ordinance was coordinated with the City Attorney's Office, the Finance Department, the Office of Management and Budget, and the Housing and Community Development Department.


SUPPLEMENTARY COMMENTS

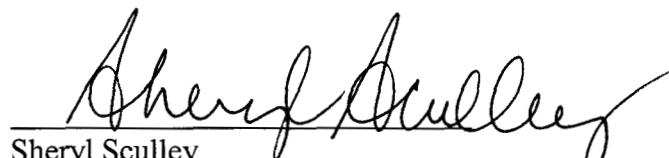
The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

ATTACHMENTS

1. Discretionary Contracts Disclosure Form


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


Melissa Byrne Vossner
Assistant City Manager


Sheryl Sculley
City Manager

AN ORDINANCE

AUTHORIZING FUNDS IN THE AMOUNT OF \$20,303.57 PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS – HAUSMAN TO DEZAVALA PROJECT (\$15,163.43), LOCATED IN COUNCIL DISTRICT 8; CULEBRA/LOOP 410 DETENTION POND PROJECT (\$3,070.63), LOCATED IN COUNCIL DISTRICT 6; CULEBRA DRAINAGE #58F COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT (\$953.71), LOCATED IN COUNCIL DISTRICT 7; LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT (\$935.80), LOCATED IN COUNCIL DISTRICTS 9 AND 10; AND THE MISSION TRAILS PACKAGE IV PROJECT (\$180.00), LOCATED IN COUNCIL DISTRICTS 1, 3, AND 5; FROM GENERAL OBLIGATIONS OF THE CITY AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

* * * * *

WHEREAS, the City Council has approved the following City Projects: (i) Babcock Road/Leon Creek Improvements – Hausman to DeZavala Project, located in Council District 8; (ii) Culebra/Loop 410 Detention Pond Project, located in Council District 6; (iii) Culebra Drainage #58F Community Development Block Grant (CDBG) Project, located in Council District 7; (iv) Loop 410 at Nacogdoches Drainage Improvements Project, located in Council Districts 9 and 10; and (v) the Mission Trails Package IV Project, located in Council Districts 1, 3 and 5; and

WHEREAS, in connection with said Projects, there exists a need for legal services pertaining to real estate acquisitions; and

WHEREAS, it is the City Council's intention to authorize payment to Davidson & Troilo, P.C., for such legal services; NOW THEREFORE:

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

SECTION 1. The total amount of \$20,303.57 is hereby authorized to be encumbered and made payable to **DAVIDSON & TROILO, P.C.**, for the Projects indicated.

SECTION 2. The amount of \$15,163.43 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", SAP GL account _____, in connection with the Babcock Road/Leon Creek Improvements – Hausman to DeZavala Project.

SECTION 3. The amount of \$3,070.63 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____

_____, WBS Element _____, entitled "Legal", SAP GL account _____, in connection with the Culebra/Loop 410 Detention Pond Project.

SECTION 4. The amount of \$953.71 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", SAP GL account _____, in connection with the Culebra Drainage #58F Community Development Block Grant (CDBG) Project.

SECTION 5. The amount of \$935.80 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", SAP GL account _____, in connection with the Loop 410 at Nacogdoches Drainage Improvements Project.

SECTION 6. The amount of \$180.00 is appropriated in SAP fund _____, _____, SAP Project definition _____, General Ledger Account _____, WBS Element _____, entitled "Legal", SAP GL account _____, 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 City Manager, or the City Manager's designee of either, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, 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.			

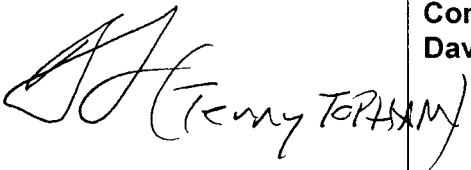
(6) Disclosures in Proposals

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: 9/26/05
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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 16, 2003 through September 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

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
Ronald Gutierrez	500.00
Delicia Herrera	250.00
Richard Perez	500.00
Patti Radle	250.00
Tim Johnson	200.00
Kevin Wolff	

Political Contributions (\$100 or more) to Benefit City Council Members
May 16, 2003 through September 15, 2005 (24 months)
Continued

Contributions made by R. Gaines Griffin

2005:

Phil Hardberger Campaign	\$750.00
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Contributions made by Lisa Gonzales

2005:

Delicia Herrera	\$100.00
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