

CITY OF SAN ANTONIO  
DEPARTMENT OF ASSET MANAGEMENT  
INTERDEPARTMENTAL CORRESPONDENCE

---

**TO:** Mayor and City Council

**FROM:** Rebecca Waldman, Director, Department of Asset Management

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Erik J. Walsh, Assistant to the City Manager; Shawn P. Eddy, Special Projects Manager, Property Disposition

**DATE:** Thursday, December 19, 2002

**SUBJECT:** S.P. No. 1084 - Request for a License to Use Public Rights of Way over and/or under Camden, Dallas, Quincy, Seymour Streets and Richmond Avenue for an existing tunnel, existing overhead passages and an existing covered vehicular entrance adjacent to various Baptist Health System facilities

**PETITIONER:** VHS San Antonio Partners, L.P., a Delaware L.P.  
Attn: Nancy Belinsky, Attorney  
300 Convent, Suite 1500  
San Antonio, Texas 78205

**SUMMARY AND RECOMMENDATIONS**

This Ordinance rescinds six existing license agreements with Baptist Memorial Hospital System and Baptist Health System, approved by Ordinance Nos. 68353 (11/22/88) for an overhead passageway across East Quincy Street; 89236 (2/11/99) for a vehicular entranceway on Seymour Street; 93889 (5/10/01) for an overhead passageway across Richmond Avenue; 93890 (5/10/01) for a Camden Street tunnel; 94759 (10/25/01) for an overhead passageway across Camden Street; and 95173 (1/17/02) for an overhead passageway across Dallas Street; and authorizes the execution of a new 10-year License Agreement with VHS San Antonio Partners, L.P., a Delaware Limited Partnership, for use of the same licensed premises for the consideration of \$30,000.00, in connection with the proposed purchase by said limited partnership of the assets of Baptist Health System; and authorizes the execution of any and all other necessary instruments, to be contingent upon the consummation of the purchase no later than sixty (60) days after the effective date of the Ordinance, and if for any reason the purchase is not consummated within said time, the existing license agreements shall continue in full force and effect with the current licensee in accordance with their respective terms.

Staff recommends approval of this Ordinance.

### **BACKGROUND INFORMATION**

Petitioner is requesting a License to Use Public Rights of Way over and/or under Camden, Dallas, Quincy, Seymour Streets and Richmond Avenue for an existing tunnel, overhead passages and a covered vehicular entrance adjacent to various Baptist Health System facilities as shown on attached Exhibit "A." The petitioner, Vanguard Health Systems, Inc. (VHS), are in the process of purchasing the various medical facilities currently owned by the Baptist Health System which include the Baptist Medical Center, Northeast Baptist Hospital, Southeast Baptist Hospital, North Central Baptist Hospital Management and St. Luke's Baptist Hospital. The six (6) existing license agreements with the Baptist Health System and its predecessor are not assignable and a new license agreement is required.

### **POLICY ANALYSIS**

This action is consistent with the City Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City.

### **FISCAL IMPACT**

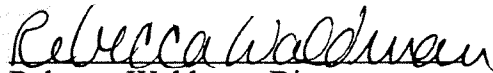
The City will collect \$30,000.00, which is calculated at \$5,000.00 for each of the six (6) licensed premises to be incorporated into the new license agreement to use Public Right of Way.

### **COORDINATION**

This item has been coordinated with the City Attorney's Office.

### **SUPPLEMENTARY COMMENTS**

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director  
Department of Asset Management

Approved:



Erik J. Walsh  
Assistant to the City Manager

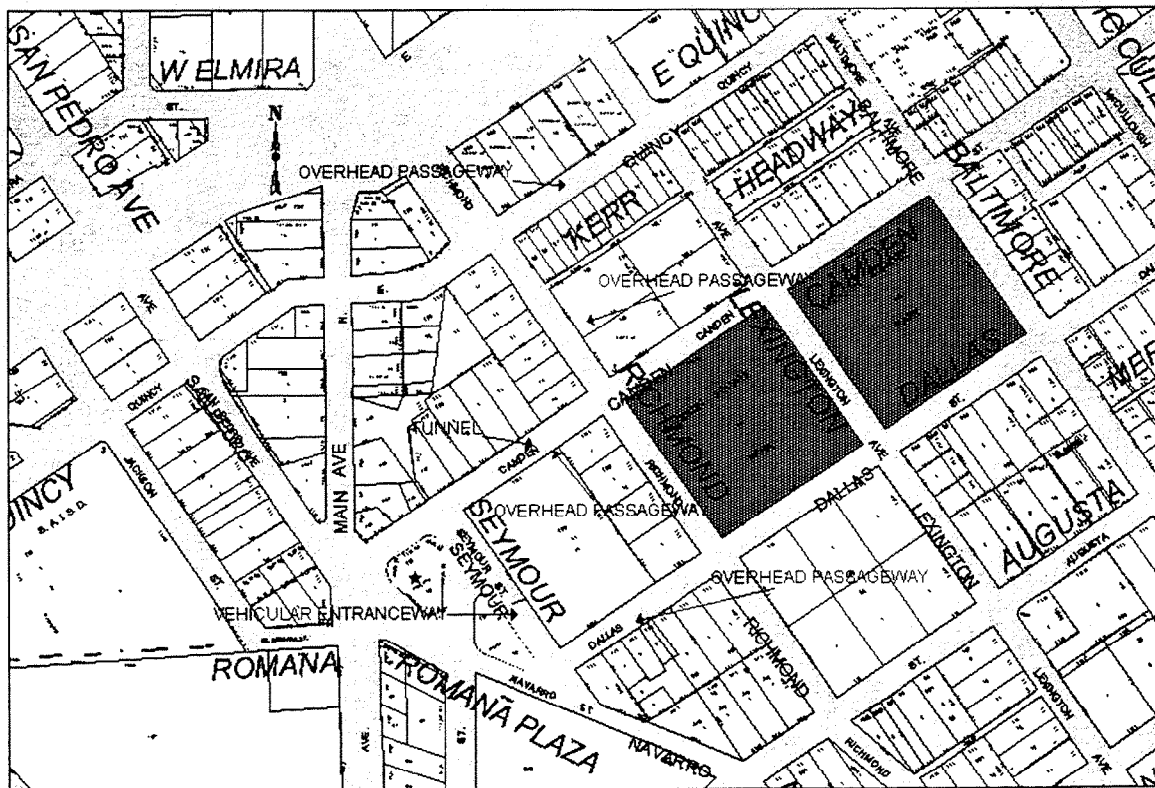


Exhibit 'A'

## 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:

Not Applicable.

(2) the identity of any **business entity** that would be a party to the discretionary contract:

VHS San Antonio Partners, L.P., a Delaware limited partnership

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract:

Not Applicable.

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:

VHS Acquisition Subsidiary Number 5, Inc., general partner of VHS San Antonio Partners, L.P.

<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.

Not Applicable.

#### Political Contributions

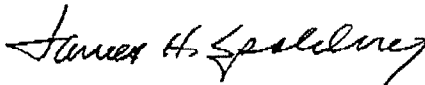
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any 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:
Not Applicable.		

#### 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.

Not Applicable.

Signature: 	Title: Senior Vice President Company: VHS Acquisition Subsidiary Number 5, Inc., General Partner	Date: 12/13/02
---	---	----------------

<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.