

CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

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. 1002—Request for a License to Use Public Right of Way with an existing garbage dumpster within a fenced area and other decorative fencing for the business at North Main and East Mistletoe Avenues

PETITIONER: Hopester Enterprises, Inc.
Attn: Gay Capparelli, President
2524 N. Main St.
San Antonio, Texas 78212

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license to Hopester Enterprises, Inc. for the Use of Public Right of Way with an existing garbage dumpster within a fenced area and other decorative fencing for the business at North Main and East Mistletoe Avenues, in NCB 1705, for a ten (10) year term and the consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a License to Use Public Right of Way over East Mistletoe Avenue for an existing garbage dumpster within a fenced area and other decorative fencing for Capparelli's Restaurant at North Main and East Mistletoe Avenues as shown on attached Exhibit "A." Petitioner maintains that there are no alternative locations to place the dumpster due to the limited open space available at the site. The Historic Design/Landmarks & Review Commission (HDRC) has reviewed and approved this request.

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 \$5,000.00 for this license to use Public Right of Way. The fee is to be paid in four (4) payments within a year after City Council approval. The first payment of \$1,250.00 is due on or before the Effective Date of this License and three (3) additional quarterly payments of \$1,250.00 each, every three (3) months, beginning three (3) months after the Effective Date, with the final payment of \$1,250.00 due before the first anniversary date of said Effective Date.

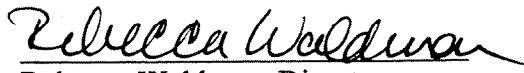
COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.


SUPPLEMENTARY COMMENTS

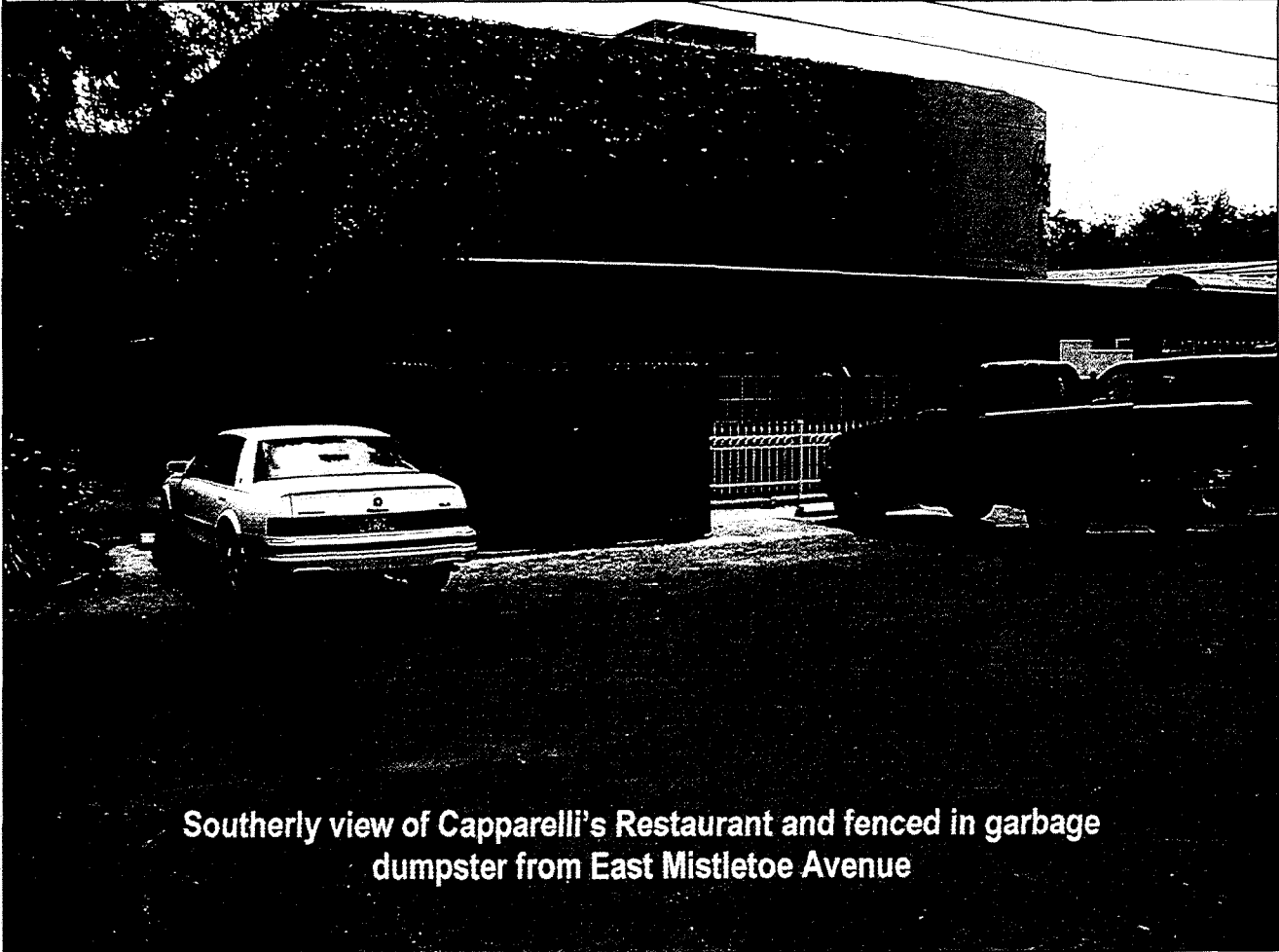
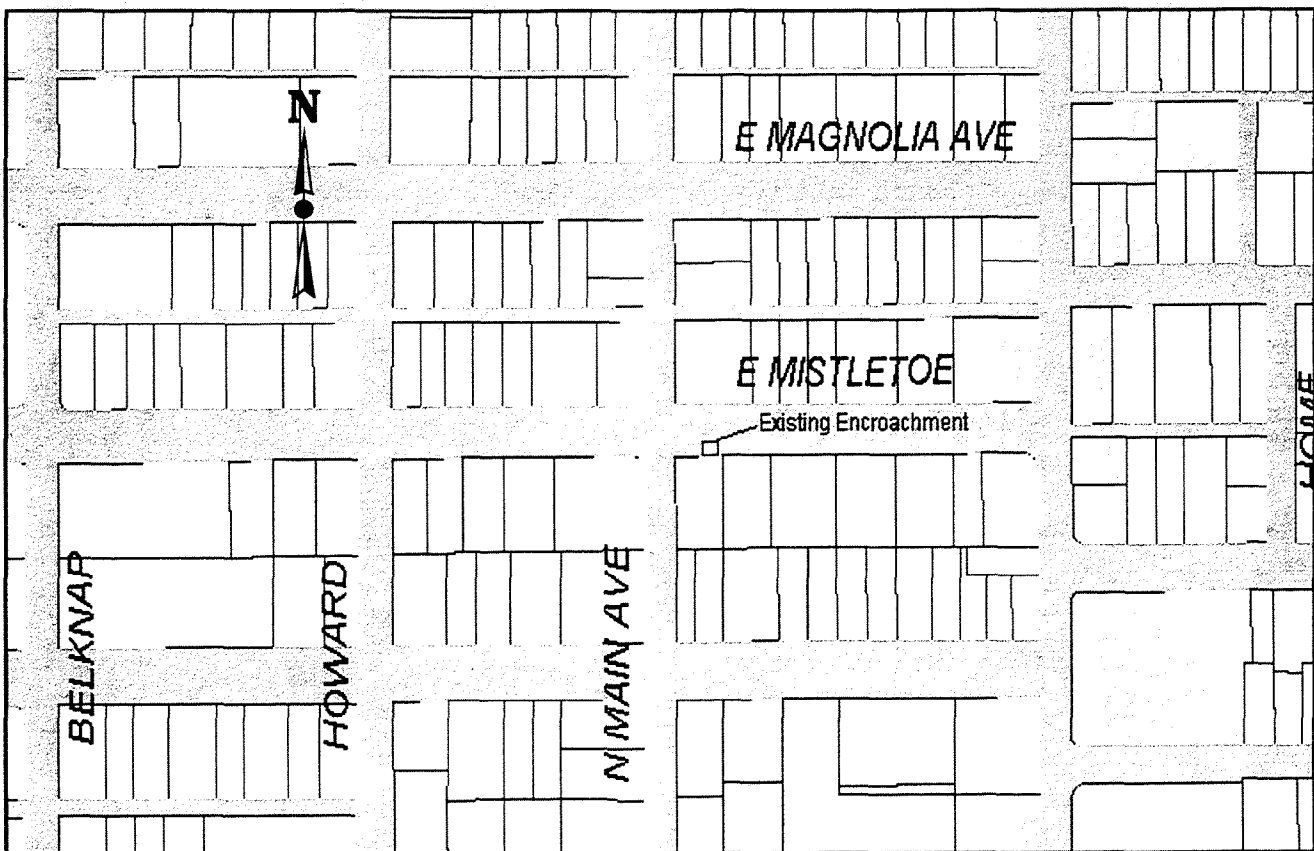
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 12/11/2002.

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

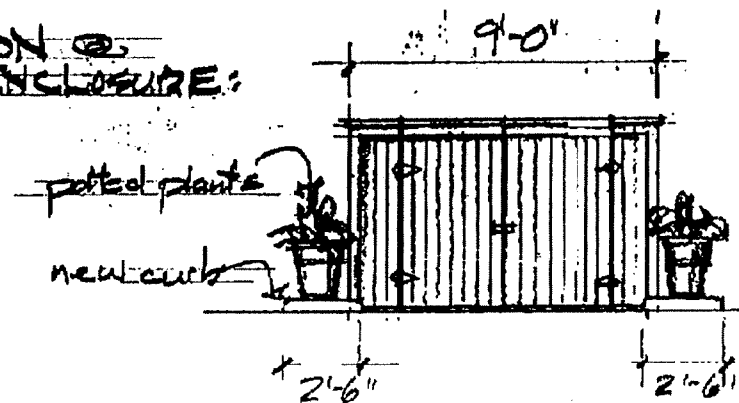


Southerly view of Capparelli's Restaurant and fenced in garbage
dumpster from East Mistletoe Avenue

Exhibit "A"

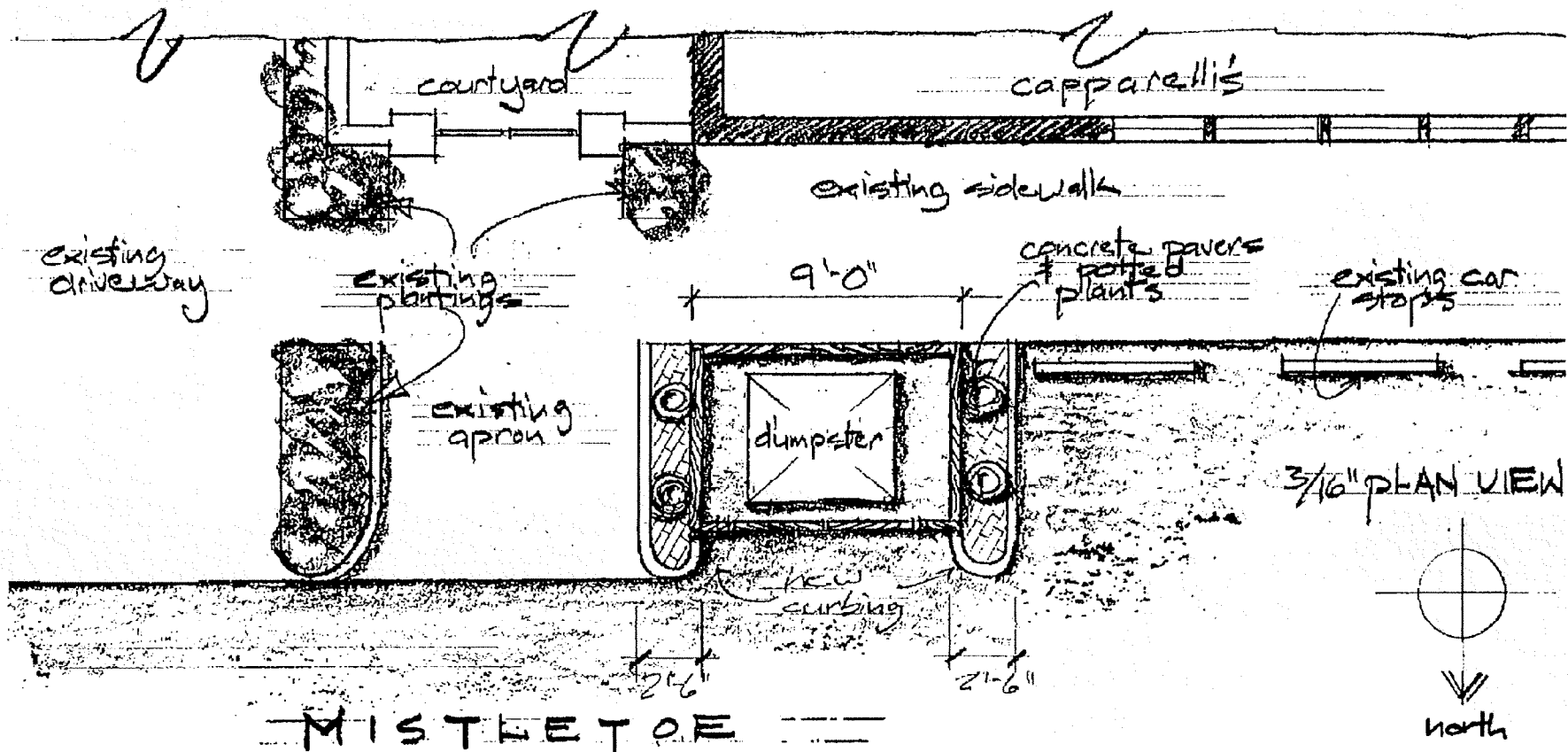
1 of 2

3/16" ELEVATION @
DUMPSTER ENCLOSURE:



-existing enclosure rehab:

- post stirrups, sit upon new curb & enclosure remains removable
- gate's supported by metal frame
- 1" x 4" corner boards & top trim
- 2" x 6" cap



3/16" PLAN VIEW

North

Exhibit "A"

Canvassing Checklist

SPNo 1002

Request: Petitioner is requesting a License to Use Public Right of Way over East Mistletoe Avenue for an existing garbage dumpster within a fenced area and other decorative fencing for Capparelli's Restaurant at North Main and East Mistletoe Avenues as shown on attached Exhibit "A." Petitioner maintains that there are no alternative locations to place the dumpster due to the limited open space available at the site. The Historic Design/Landmarks & Review Commission (HDRC) has reviewed and approved this request.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	8/3/2001	1/30/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	8/3/2001	9/5/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	8/3/2001	8/13/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	8/3/2001	9/5/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	8/3/2001	9/27/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	8/3/2001	8/17/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input checked="" type="checkbox"/>	8/3/2001	8/4/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input checked="" type="checkbox"/>	8/3/2001		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

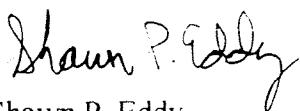
Additionally, the fee established for this license agreement is \$5,000.00 for a 10-year term, to be paid in four (4) payments within a year after City Council approval. The first payment of \$1,250.00 of this license fee will be due and payable to the City of San Antonio prior to City Council consideration. The remaining fee will be paid in three (3) quarterly payments of \$1,250.00 each, with the second payment due three (3) months after City Council approval. If for some reason the license is not approved by City Council, the first payment of the license fee will be returned to the petitioner.

Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required, which is enclosed for your convenience.

If you concur with the above mentioned conditions, including the payment of the fee established for this encroachment, please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this signed Letter of Agreement, the Discretionary Contracts Disclosure Statement and the license fee, we will continue processing your request.

This Letter of Agreement is being offered by the City of San Antonio only to the above named petitioner and will expire thirty (30) days after the date of issuance unless a specific extension is requested by the petitioner and granted by the City.

Sincerely,



Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE:ma

CERTIFIED MAIL 7001 1940 0000 1124 7740

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER

By Gay Capparelli

Print Name Gay Capparelli

President
Title

11-14-2002
Date

City of San Antonio Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part L, 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 entity¹ that would be a party to the discretionary contract:

Hopster Enterprises Inc.

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:

Not Applicable

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.

- (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 question² 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.

Signature: Gay Capparelli	Title: President Company: Hagerston Enterprises, Inc.	Date: 11/26/02

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.