

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

CONSENT AGENDA
ITEM NO. 21

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, November 21, 2002

SUBJECT: S. P. No. 426—Request for the renewal of a License to use East Commerce and North Presa Streets Public Rights of Way for an existing basement, awnings, roof cornices and a clock at the abutting Commerce Building (a.k.a. Vault Bldg.) located at 314 East Commerce Street

PETITIONER: Newton, George N.
c/o Cambridge Realty Group, Attn: Robert Shearer
P. O. Box 15039
San Antonio, TX 78212

SUMMARY AND RECOMMENDATIONS

This Ordinance will rescind Ordinance No. 57818, passed and approved November 3, 1983; and grants a license to George N. Newton for the continued use of East Commerce and North Presa Streets Public Rights of Way for an existing basement, awnings, a clock and roof cornices at the abutting Commerce Building (a.k.a. Vault Bldg.) located at 314 East Commerce Street, in NCB 156, for a ten (10) year term and the consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner requests the renewal of a license to use Public Rights of Way under and over East Commerce and North Presa Streets for an existing basement, awnings, a clock and roof cornices at the abutting Commerce Building located at 314 East Commerce Street as shown on attached Exhibit "A." These encroachments were previously licensed under City Ordinance 57818; however the building has since been sold to the present owner. As the previous license agreement is not assignable, 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 \$5,000.00 for this license to use Public Right of Way.

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

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

Canvassing Checklist

SPNo 426

Request: Petitioner requests the renewal of a license to use Public Rights of Way under and over East Commerce and North Presa Streets for an existing basement, awnings, a clock and roof cornices at the abutting Commerce Building located at 314 East Commerce Street as shown on attached Exhibit "A." These encroachments were previously licensed under City Ordinance 57818; however the building has since been sold to the present owner. As the previous license agreement is not assignable, a new license agreement is required.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	5/21/2002	6/12/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	5/21/2002	8/15/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	5/21/2002	5/30/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input 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"/>	5/21/2002	6/18/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	5/21/2002	6/4/2002	<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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input checked="" type="checkbox"/>	9/12/2002		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

Downtown Residents Assn., c/o Steve Giust, 711 N. St. Marys St. #38, 78205



CITY OF SAN ANTONIO

September 13, 2002

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

George N. Newton
c/o Cambridge Realty Group, Inc.
Attn: Robert A. Shearer, CPM
Principal
P. O. Box 15039
San Antonio, TX 78212

Re: S. P. No. 426—Request for the Renewal of a License to Use East Commerce and North Presa Streets Public Rights of Way for an existing basement, awnings, roof cornices and a clock at the abutting Commerce Building (a.k.a. Vault Bldg.) located at 314 E. Commerce St.

Dear Mr. Shearer:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend renewal of a license to use Public Rights of Way subject to the following conditions:

SAN ANTONIO WATER SYSTEM: "Approved provided any water and/or sewer easements remain accessible for operational and maintenance purposes at all times."

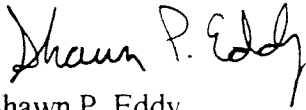
Additionally, the fee established for this license agreement is \$5,000.00 for a 10-year term. This license fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the fee will be returned to the petitioner. Also, a Certificate of Insurance must be provided and the City of San Antonio must be formally released from any and all liabilities, which may be incurred in connection with this request.

Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required and 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, Certificate of Insurance and the payment we will continue processing your License Agreement.*

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

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER GEORGE N. NEWTON

By Robert A. Shearer

ROBERT A. SHEARER
Print Name

MANAGING AGENT
Title

OCTOBER 10, 2002
Date

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;

GEORGE N. NEWTON
ROBERT A. SHEARER

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

and the name of: CAMBRIDGE REALTY GROUP, INC

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

ROBERT A. SHEARER
CAMBRIDGE REALTY GROUP, INC

(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;

ROBERT A. SHEARER
CAMBRIDGE REALTY GROUP, INC.

(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.

NONE

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.

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:
NONE		

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: <i>Robert A. Shearer</i>	Title: <i>MANAGING AGENT FOR GEORGE N. NEWTON</i> Company: <i>CAMBRIDGE REALTY GROUP, INC.</i>	Date: <i>OCTOBER 10, 2002</i>

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.