

**CITY OF SAN ANTONIO**  
**DEPARTMENT OF ASSET MANAGEMENT**  
**INTERDEPARTMENTAL CORRESPONDENCE SHEET**

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**CONSENT AGENDA**

**ITEM NO.**

**22**

**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. 665 - Request for renewal of a license agreement to use Public Right of Way for an existing overhead passageway across Nolan Street, between NCB 545 and 559

**PETITIONER:** BudCo, LTD.  
Attn: Berkley V. Dawson  
P.O. Box 937  
San Antonio, Texas 78294-0937

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize a license agreement for the use of Public Right of Way for an existing overhead passageway over and across Nolan Street at the Budco facility located at 611 Nolan Street, between NCB 545 and 559, as requested by Budco, Inc., a Texas Limited Partnership, acting by and through Mis Hermanos, L.L.C., a Texas Limited Liability Company, its General Partner, for the consideration of \$5,000.00 and a term of ten (10) years.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting the renewal of a license agreement for the use of Public Right of Way for an existing overhead passageway over and across Nolan Street at the Budco facility located at 611 Nolan Street, between NCB 545 and 559, as shown on attached Exhibit "A". The existing overhead passageway was originally constructed in 1987 and has been continuously maintained by the property owner. Petitioner has recently moved their operations to a new facility at 4609 Hwy 90 W. If approved, the license agreement would allow licensee to assign this license to the new owner of the facility upon the sale of the property, with no additional fee, subject to the approval of the City Council.

### **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**

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 11/13/2002.

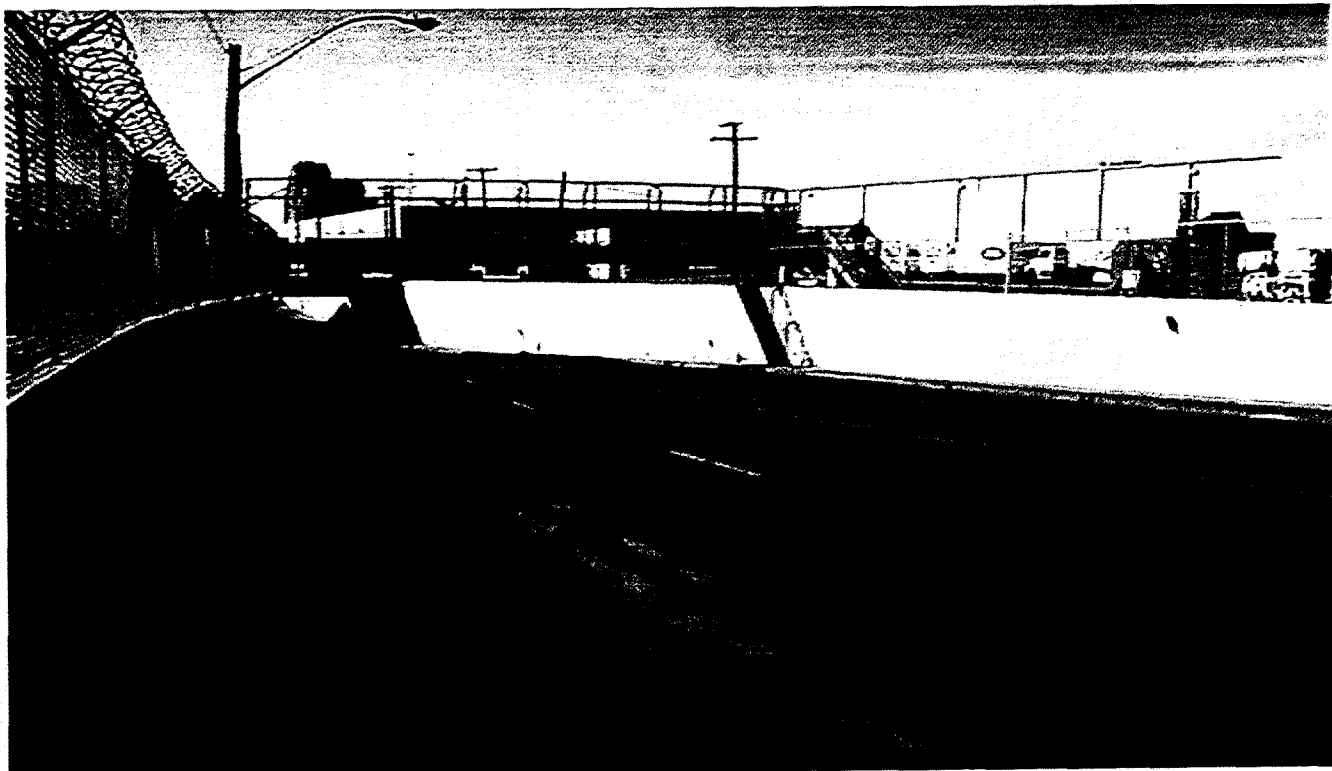
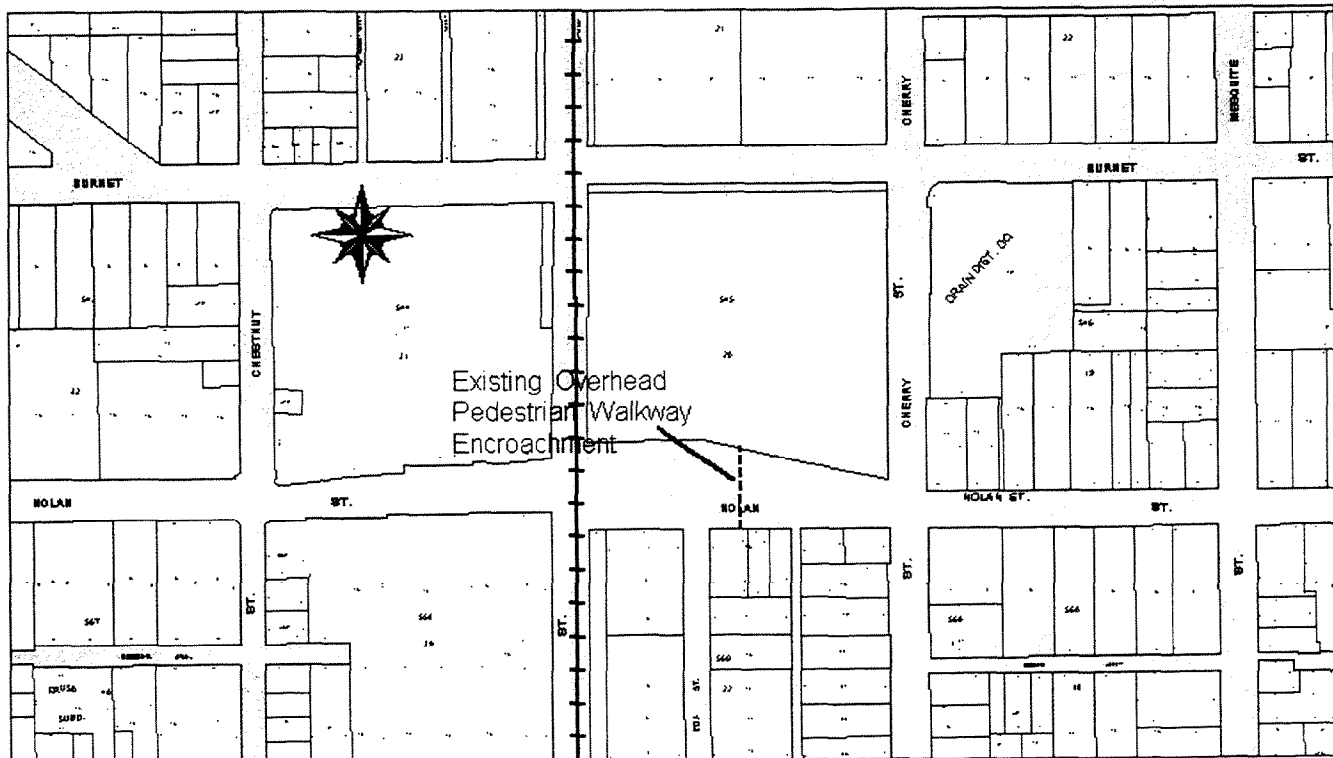
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director  
Department of Asset Management



Erik J. Walsh  
Assistant to the City Manager



LOOKING WESTERLY ON NOLAN STREET AT OVERHEAD PEDESTRIAN WALKWAY  
EXHIBIT "A"



# CITY OF SAN ANTONIO

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

February 5, 2002

BudCo of San Antonio  
Berkley V. Dawson, President  
P.O. Box 937  
611 N. Cherry Street  
San Antonio, Texas 78294

RECEIVED  
BERKLEY DAWSON

FEB 11 2002

Re: S. P. No. 665 -- Renewal of a license agreement between the City of San Antonio and BudCo of San Antonio for encroachment of an overhead passageway above Nolan Street public right of way between NCB 545 and 559

Dear Mr. Dawson:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the appraisal process and staff will be recommending approval of the renewal of this expired License Agreement subject to the following conditions:

- ◆ BudCo, Ltd. must agree to comply with all of the terms and conditions of the City's current license agreement, which has been provided to the petitioner.
- ◆ BudCo, Ltd. must agree to compensate the City of San Antonio the overall amount of \$5,000.00 for all necessary rights for the renewal of an existing license. Assuming City Council approves this recommendation, this amount will be due and payable within ten (10) days after City Council approval.

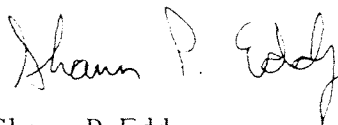
A Certificate of Insurance must be provided and the City of San Antonio must be formally released from any and all liabilities which may be incurred in connection with this encroachment.

Fully completed and signed (by authorized individual) Ethics Disclosure Statements are required and attached for your convenience.

This Letter of Conditions is being offered by the City of San Antonio only to the petitioner named above 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.

Please review the above listed conditions and counter sign (by authorized individual) this letter in the space provided below if you concur with all requirements, including the payment for this License Agreement. Upon receipt of this signed Legal Letter Agreement and the completed Ethics Disclosure forms, we will continue processing your request.

Sincerely,



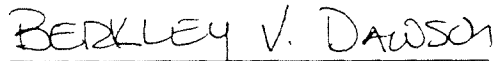
Shawn P. Eddy  
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

**BudCo, Ltd.**



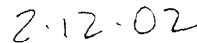
By



Print Name



Title



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;

Berkley V. Dawson  
Vincent M. Deese

(2) the identity of any **business entity**<sup>1</sup> that would be a party to the discretionary contract:  
BUDCO, LTD a  
and the name of:

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

(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;

MIS HERMANOS, LLC.  
SISCO, LTD.

(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.

<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.


### 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:
Ruth Jones M E CUM DON	500.00	2/28/00
TIM BANNWOLF	1,000.00	3/17/00
Bobby Perez	500.00	5/17/00
TIM BANNWOLF	1,500.00	10/12/00
TIM BANNWOLF	1,500.00	2/19/00
TONI MOORHOUSE	500.00	4/11/01
ED GARZA	5,000.00	5/22/01
DAVID CARPENTER	500.00	6/26/01
		(over)

### 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.

Signature: 	Title: <u>President</u> Company: <u>BudCo, LTD.</u>	Date: <u>2.12.02</u>

<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.

Political Contributions (cont)

JES MENDENZ	1,000.00
Ruth Jones McLenon	500.00
Toni Moorhouse	500.00

7/5/01
7/23/01
1/08/02



# Canvassing Checklist

SPNo 665

Request: Petitioner is requesting the renewal of a license agreement for the use of Public Right of Way for an existing overhead passageway over and across Nolan Street at the Budco facility located at 611 Nolan Street, between NCB 545 and 559, as shown on attached Exhibit "A". The existing overhead passageway was originally constructed in 1987 and has been continuously maintained by the property owner. Petitioner has recently moved their operations to a new facility at 4609 Hwy 90 W. If approved, the license agreement would allow licensee to assign this license to the new owner of the facility upon the sale of the property, with no additional fee, subject to the approval of the City Council.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	6/5/2002	6/18/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	6/5/2002	7/23/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	6/5/2002	8/23/2002	<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"/>	6/5/2002	7/9/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input type="checkbox"/>			<input type="checkbox"/>	<input 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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

10/14/02--Received signed license agreement and \$5,000.00 fee.



**SUBJECT SITE**

**Notan Street**

