

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

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, October 16, 2003

SUBJECT: S.P. No. 1115 - Request for license to Use Public Right of Way over a portion of West Commerce Street for an existing building

PETITIONER: Mexican American Unity Council, Inc.
Attn: Frances J. Teran, President & CEO
2300 W. Commerce St., Suite 200
San Antonio, TX 78207

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to Mexican American Unity Council, Inc. to use and maintain an existing building encroachment of eight (8) inches over a portion of West Commerce Street Public Right of Way for use by La Escuela de las Americas at 2327 West Commerce Street, in NCB 2299, 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 a portion of West Commerce Street Public Right of Way for an existing building at 2303 West Commerce Street located between North Cibolo and North Sabinas Streets as shown on attached Exhibit "A." The building, known as La Escuela de las Americas, currently encroaches eight inches (8") into the Public Right of Way. The petitioner has received Federal funding for the renovation of this building and has agreed to comply with all license and platting requirements in order to simultaneously proceed with a plat deferral and the initiation of construction.

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.

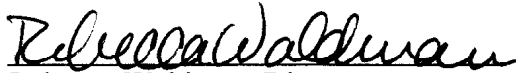
COORDINATION

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

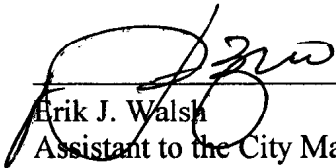
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 10/8/2003.

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



Rebecca Waldman, Director
Department of Asset Management

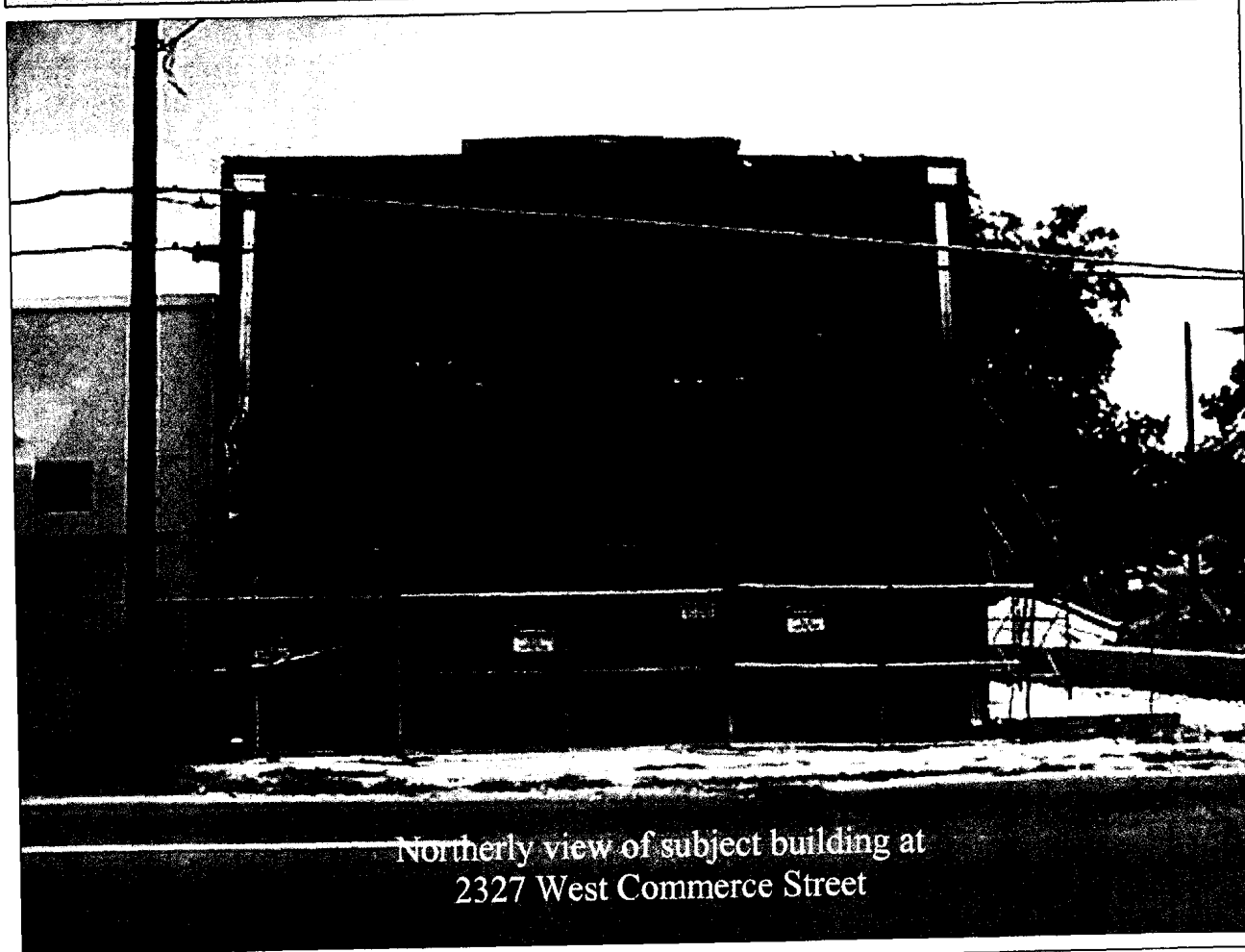
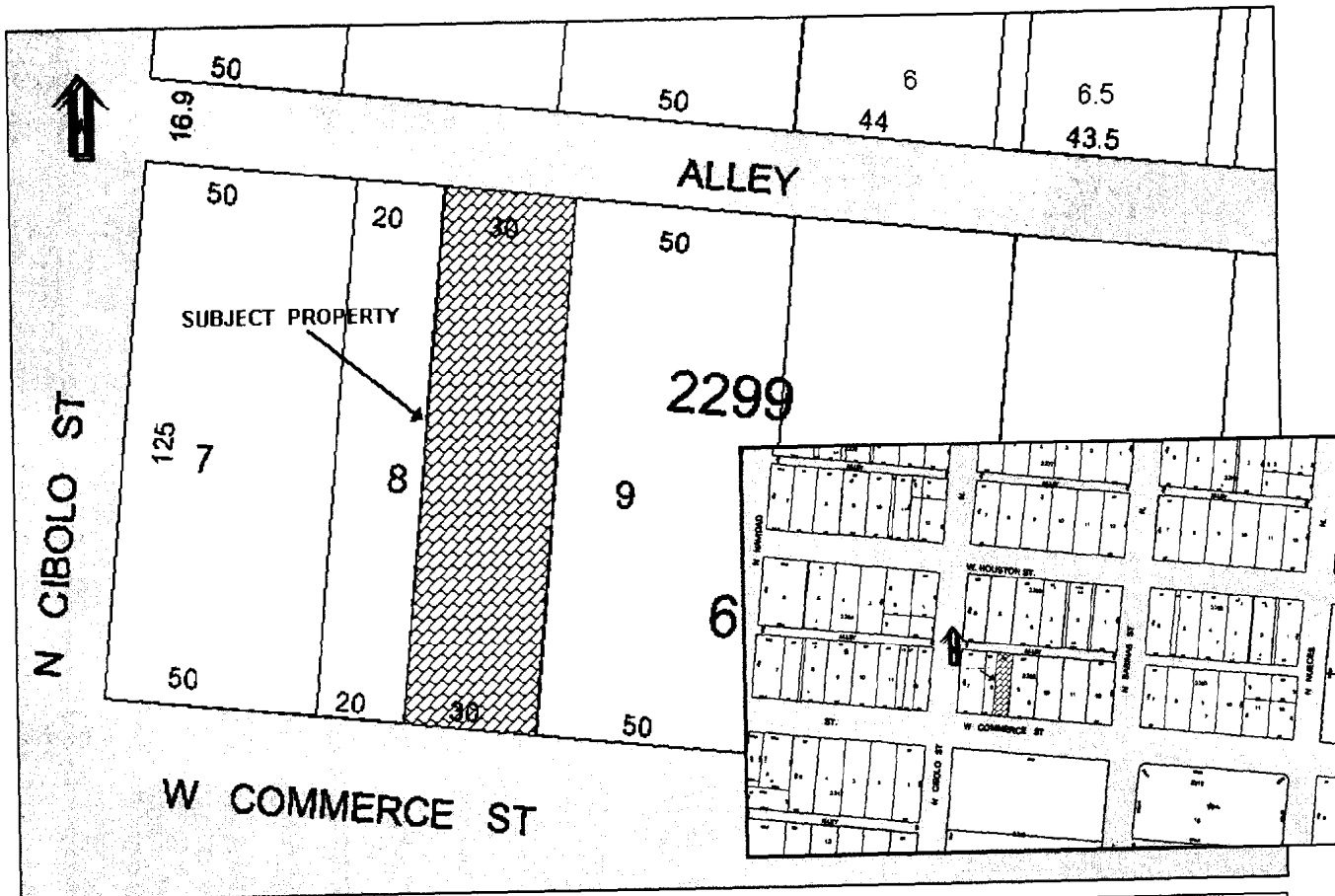
Approved:



Erik J. Walsh
Assistant to the City Manager



Terry M. Brechtel
City Manager



Northerly view of subject building at
2327 West Commerce Street

Exhibit "A"

Canvassing Checklist

SPNo **1115**

Request: Petitioner is requesting a license to use a portion of West Commerce Street Public Right of Way for an existing building at 2303 West Commerce Street located between North Cibolo and North Sabinas Streets as shown on attached Exhibit "A." The building, known as La Escuela de las Americas, currently encroaches eight inches (8") into the Public Right of Way. The petitioner has received Federal funding for the renovation of this building with the condition that construction be completed by September 30, 2003. The petitioner has agreed to comply with all license and platting requirements in order to simultaneously proceed with a plat deferral and the initiation of construction.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	6/24/2003	7/23/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	6/24/2003	8/21/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	6/24/2003	7/3/2003	<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 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"/>	6/24/2003	7/7/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	6/24/2003	7/15/2003	<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"/>
Environmental Services	<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"/>	6/24/2003	6/25/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

AVENIDA GUADALUPE ASSN. INC.; c/o ROGER T. CARRILLO, AJA; 1327 GUADALUPE; 78207



CITY OF SAN ANTONIO

August 21, 2003

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

Mexican American Unity Council, Inc.
Attn: Frances J. Teran, President and CEO
2300 W. Commerce St., Suite 200
San Antonio, Texas 78207

Re: S. P. No. 1115—Request for a license to use a portion of West Commerce Street Public Right of Way for an existing building at 2327 W. Commerce

Dear Ms. Teran:

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 Right of Way subject to the following conditions:

PUBLIC WORKS DEPARTMENT

Approved provided the Planning and Zoning Commissions approve it.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided the project does not conflict with Unified Development Code requirements.

SAN ANTONIO WATER SYSTEM

Approved provided the petitioner agrees to reserve a perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of petitioner.

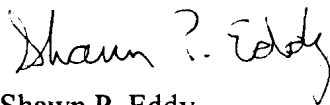
Also, the fee established for this license agreement is \$5,000.00 for a 10-year term. This license fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the fee will be returned to the petitioner. Also, 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 Certificate of Corporate Resolution is required along with a fully completed and signed Discretionary Contracts Disclosure Statement. A form 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 Certificate of Insurance, the Certificate of Corporate Resolution, the Discretionary Contracts Disclosure Statement, and the payment 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

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER

President & CEO
By Title

FRANCES J. TERAN
Print Name

Frances J. Teran
Title By

8/25/03
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:

N/A

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

N/A

and the name of:

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

N/A

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;

N/A

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.

N/A


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:
N/A		

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: 	Title: President + CEO Company: Mexican American Unity Council, Inc.	Date: 8/25/03

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.