

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

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**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, August 07, 2003

**SUBJECT:** S.P. No. 1078 - Requesting a license for an existing ADA handicap access ramp, and to erect a advertising sign partially into a sixty (60') foot wide Public Right-of-Way at the intersection of San Pedro Avenue and Jeannette Dr.

**PETITIONER:** Mariano's Mexican Restaurant  
Attn: Ramiro Valadez, III  
6700 San Pedro  
San Antonio, Texas 78216

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize a license agreement for Mariano's Mexican Restaurant to use Public Right of Way for an existing ADA handicap access ramp and to erect a commercial sign on an existing sign pole that would partially encroach into a portion of Public Right of Way at the intersection of San Pedro Avenue and Jeannette Drive, for a ten (10) year term for a license fee of \$2,500.00, which reflects a 50% discount of the calculated license fee in consideration for the removal of two (2) pre-existing signs in a continuing effort to mitigate the amount of commercial signage in this area.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting a license agreement to use Public Right of Way for an existing disability access ramp that was required by Development Services and to erect a new commercial sign within a portion of Public Right of Way at the intersection of San Pedro Avenue and Jeannette Dr., as shown on attached Exhibit "A". Petitioner has proposed to remove two (2) existing commercial signs within the Public Right of Way and to utilize an existing sign pole to construct a new sign that will encroach approximately 2.5 ' into Public Right of Way. Mitigation of the number of grandfathered commercial signs in this area is supported as an objective of the approved North Central Neighborhood Community Plan.

### **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 \$2,500.00 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**

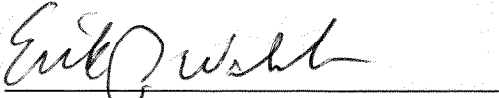
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 7/9/2003.

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

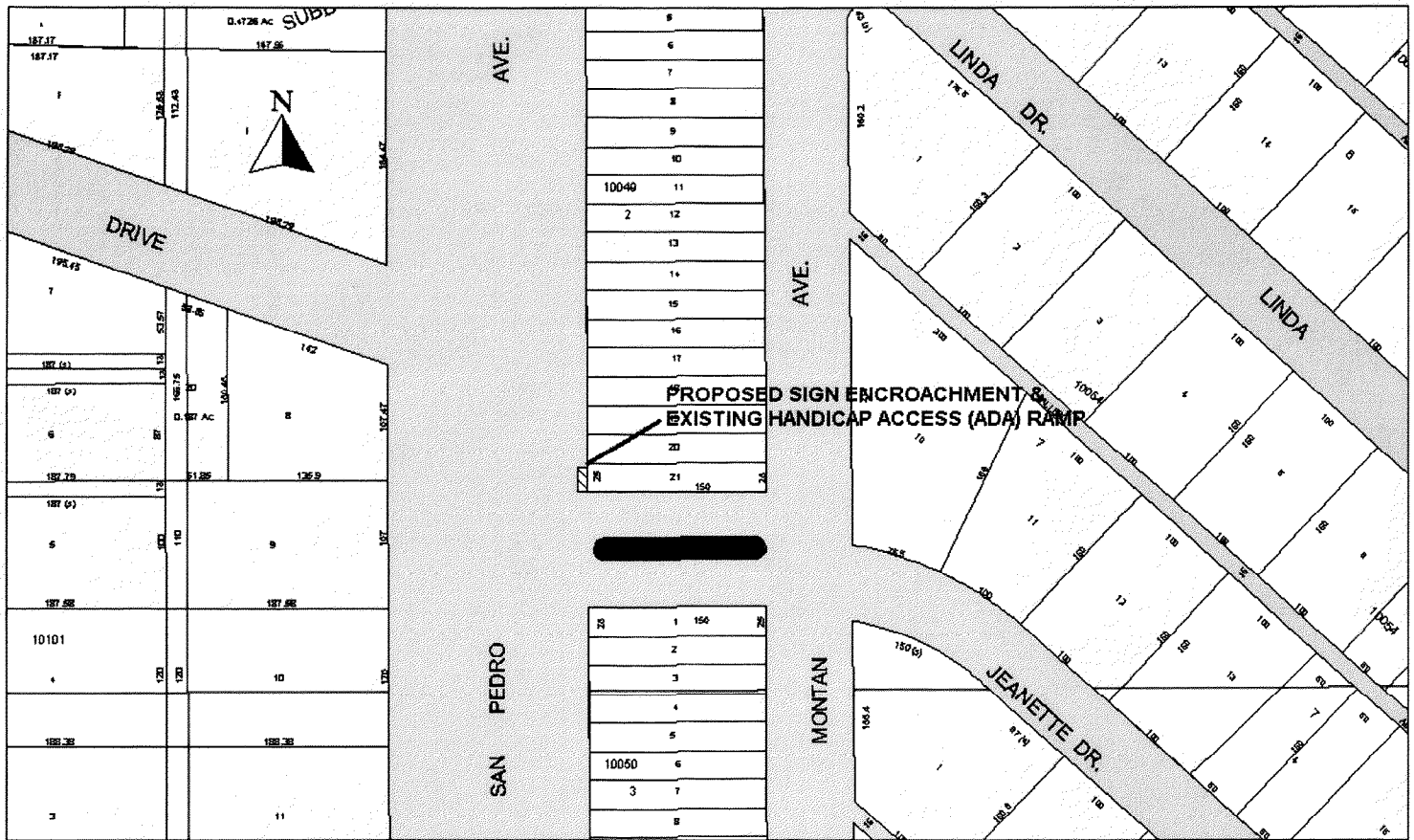


Rebecca Waldman, Director  
Department of Asset Management

Approved:



Erik J. Walsh  
Assistant to the City Manager



**EXHIBIT "A"**  
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## SIGNS PROPOSED TO BE REMOVED



**Sign # 1-Adjacent to San Pedro Ave. @ Jeanette Ave.**



**Sign # 2- Adjacent to sidewalk along restaurant**

**EXHIBIT "A"**





Existing sign pole to be utilized for new signage is located at main entrance to restaurant

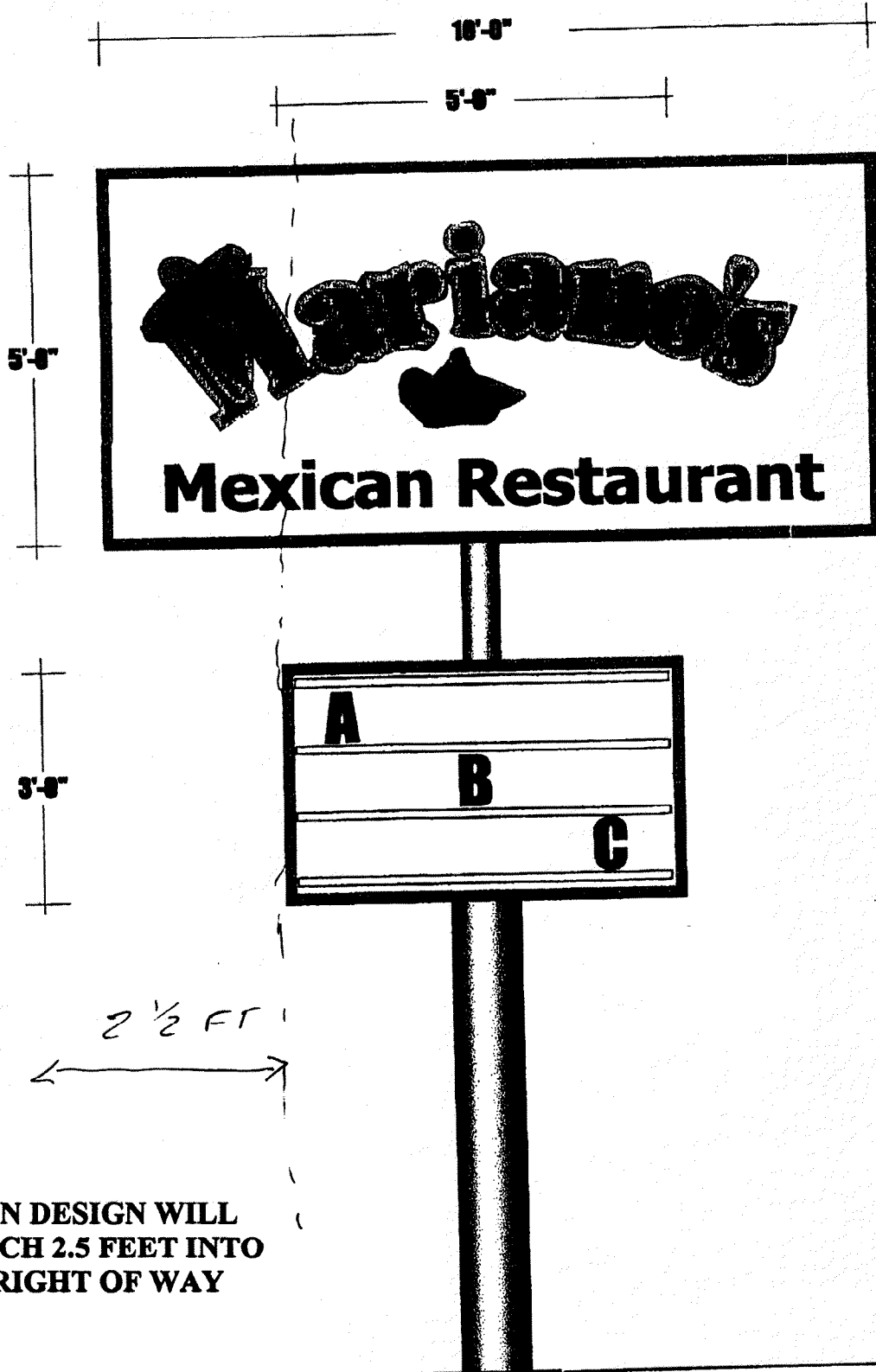


EXHIBIT "A"

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# Canvassing Checklist

SPNo 1078

**Request:** Petitioner is requesting a license agreement to use Public Right of Way for an existing disability access ramp that was required by Development Services and to erect a new commercial sign within a sixty (60') foot wide Public Right of Way at the intersection of San Pedro Avenue and Jeannette Dr., as shown on attached Exhibit "A". Petitioner has proposed to remove two (2) existing commercial signs within the Public Right of Way and to utilize an existing sign pole to construct a new sign that will encroach approximately 2.5' into Public Right of Way.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/23/2003	4/20/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/23/2003	3/13/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/23/2003	1/31/2003	<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"/>	1/23/2003	5/20/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	1/23/2003	2/20/2003	<input checked="" 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"/>
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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

4/20/03--waiting for NA response as conditional approval by Planning

## 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:

Ramiro Valadez III

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

Merienda's Mexican Restaurant

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

<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.

N/A

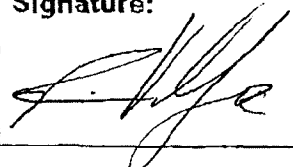
#### Political Contributions

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 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: Owner Company: Marias Mexican Restaurant	Date: 6/9/03

<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.



# 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

June 3, 2003

Mariano's Mexican Restaurant  
Attn: Ramiro Valadcz, III  
6700 San Pedro  
San Antonio, Texas 78216

Re: S. P. No. 1078— Requesting a license agreement for an existing ADA handicap access ramp and a proposed advertising sign to encroach into Public Right of Way at the intersection of San Pedro Avenue and Jeanette Drive

Dear Mr. Valadcz:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and is recommending approval of your request subject to the following conditions:

PLANNING DEPARTMENT:

"The Planning Department recommends approval of the request for a license to use Public Right of Way for the purposes of installing a new commercial sign on an existing pole at the main entrance of the restaurant. As a condition of this approval, petitioner agrees that no additional signs will be placed on this pole. In the event additional signage is requested, a new multi-tenant sign will be erected. Any other signage will be in conflict with the North Central Neighborhood Community Plan, Section 6.3 Objective (page 42) related to the reduction of visual pollution on the commercial corridors."

PUBLIC WORKS DEPARTMENT:

"Sign to be relocated at owner's expense if necessary for future public improvements" (Traffic Engineering Division).

"Remove the two (2) poles that support the commercial signs that are proposed to be removed" (Right of Way Management Division).

DEPARTMENT OF ASSET MANAGEMENT:

"The removal of two (2) existing signs and poles. Sign # 1 located adjacent to San Pedro Ave. at Jeanette Ave. and sign # 2 located adjacent to sidewalk along restaurant as shown on attached exhibits.

Exhibit 'C'  
Page 1 of 4

Mariano's Mexican Restaurant  
Attn: Ramiro Valdez  
Page 2 / S P 1078  
June 3, 2003

Additionally, the license fee for this request will be \$2,500.00 for a 10-year license, which includes a 50% discount of the standard \$5,000.00 fee in consideration for the removal of two (2) existing signs, as described above. This consideration will be due and payable to the City of San Antonio prior to City Council consideration. 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.

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 and the Discretionary Contracts Disclosure Statement 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*

Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

CERTIFIED MAIL

AGREED AS TO TERMS AND CONDITIONS:

Petitioner: Mariano's Mexican Restaurant

By

*Ramiro Valdez*  
Print Name

Title

Date

Exhibit 'C'  
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