

**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, August 21, 2003

**SUBJECT:** S.P. No. 1086 - Request for a license to use Public Right of Way on and over Medina and Houston Streets at the Heimann Building located at 118 N. Medina Street for the construction of two (2) balconies within New City Block 264

**PETITIONER:** AVANCE, a Texas Non-profit Corporation  
Attn: Linda G. Valencia, Capital Campaign Director  
301 S. Frio St., Suite 380  
San Antonio, Texas 78207

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will authorize a License Agreement for a ten (10) year term between the City of San Antonio and AVANCE, a Texas Non-profit Corporation to use Public Right of Way on and over Medina and Houston Streets at the Heimann Building located at 118 N. Medina Street for the construction of two (2) balconies within New City Block 264 as part of the renovation of this historic facility, for the total consideration of \$3,754.00, which includes a 50% reduction of the license fee as provided by the Development Incentive Toolkit, passed and approved by City Council on May 29, 2003.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting a license to use Public Right of Way on and over Medina and Houston Streets at the Heimann Building located at 118 N. Medina Street for the construction of two (2) balconies within New City Block 264 as shown on attached Exhibit "A". Petitioner is proposing the renovation of this historic building which is in the vicinity of the Historic Cattleman's Square and will serve as the permanent National Headquarters for AVANCE Family Support and Education Programs. This project qualifies for a 50% reduction of the license fee under the City's Development Incentive Toolkit because it includes the renovation of a historic building for a corporation owned office development within a Federal Empowerment Zone. This project is located within Council District 5.

### **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 \$3,754.00 for this license to use Public Right of Way that includes a 50% reduction of the license fee per the City's Development Incentive Toolkit.

### **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. This request was also coordinated with the Department of Economic Development for the purpose of applying the Development Incentive Toolkit.

### **SUPPLEMENTARY COMMENTS**

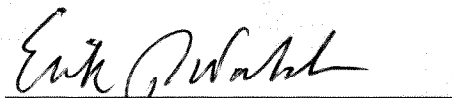
The City of San Antonio's Planning Commission will consider this request at its regular meeting of 8/13/03 and its finding will be presented to City Council on 8/21/03.

Executed Discretionary Contracts Disclosure Statements from petitioner is attached.

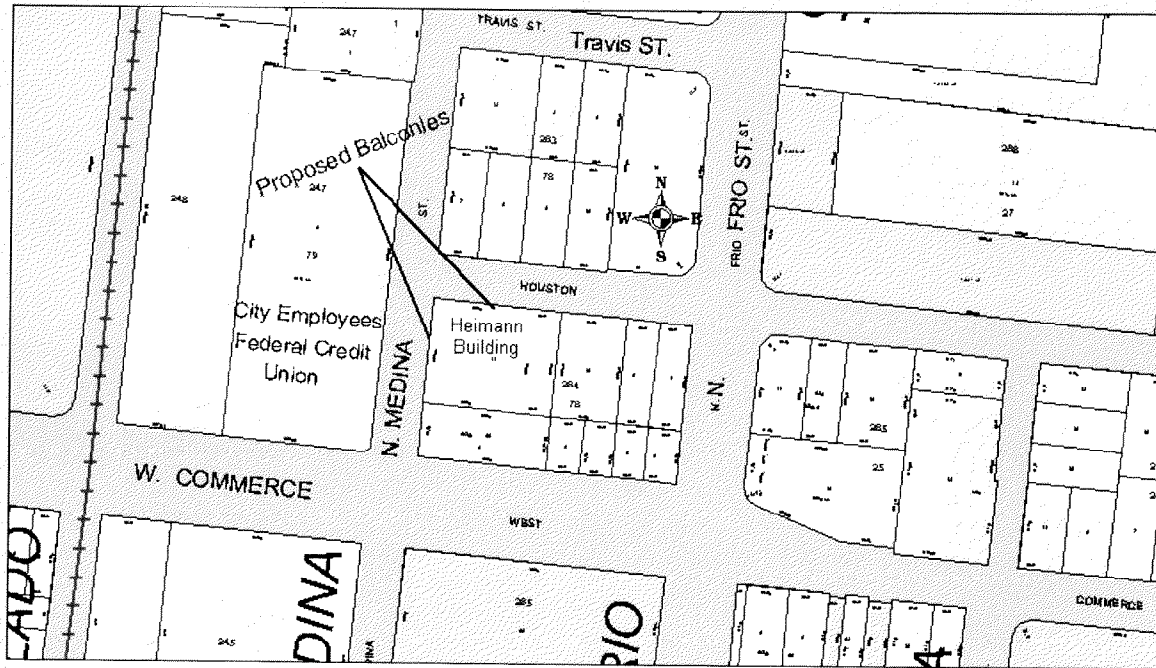


Rebecca Waldman, Director  
Department of Asset Management

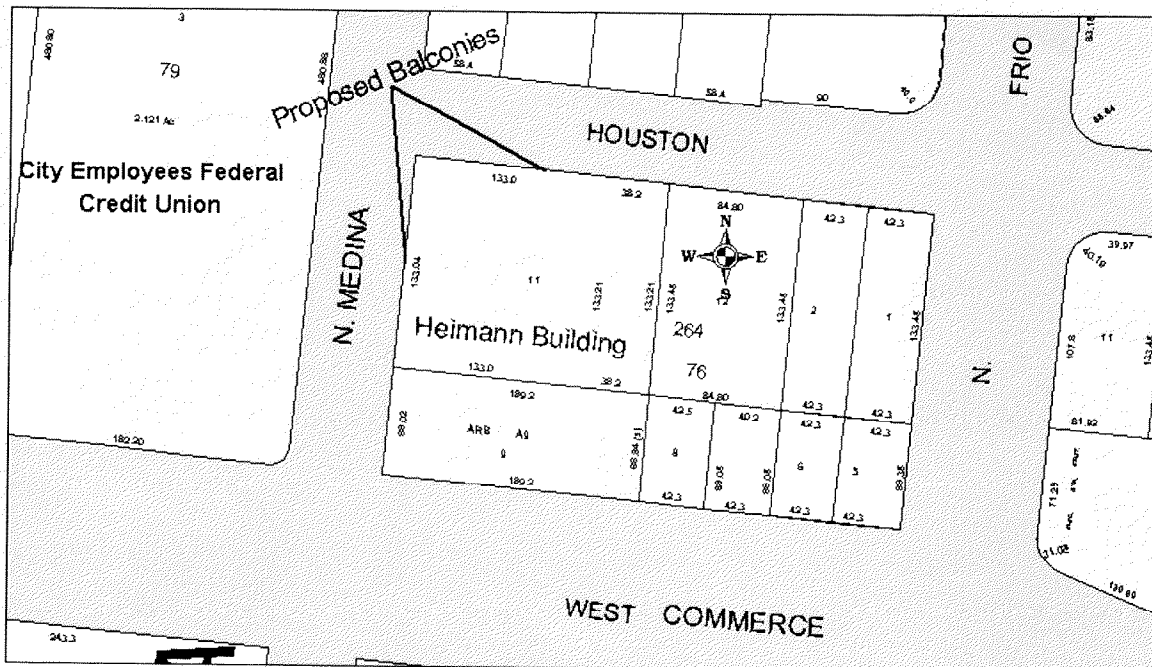
Approved:



Erik J. Walsh



Map of Subject Property



Map of Subject Property

## Exhibit "A"



Southeasterly View of Subject Property

**Exhibit "A"**

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I & G. N. HOTEL  
HEIMANN BUILDING IN 1909

Exhibit "A"





**Exhibit "A"**

# Canvassing Checklist

SPNo 1086

Request: Petitioner is requesting a license to use Public Right of Way on and over Medina and Houston Streets at the Heimann Building located at 118 N. Medina Street for the construction of two (2) balconies within New City Block 264 as shown on attached Exhibit "A". Petitioner is currently working on the architectural design for the renovation of the Heimann Building which is in the vicinity of the Historic Cattleman's Square. The renovated building will serve as the permanent National Headquarters for AVANCE Family Support and Education Programs. This project is located within Council District 5.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/9/2003	2/20/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/9/2003	3/13/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/9/2003	1/28/2003	<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"/>	1/9/2003	2/10/2003	<input type="checkbox"/>	<input checked="" 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"/>
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"/>	1/9/2003	3/3/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

Canvassed the Cattleman Square Association on 1/9/03.



# 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

July 16, 2003

AVANCE, Inc., a Texas Non-profit Corporation  
Attn: Linda G. Valencia, Capital Campaign Director  
301 S. Frio St., Suite 380  
San Antonio, Texas 78207

Re: S. P. No. 1086 — Request for a license to use Public Right of Way on and over Medina and Houston Streets at the Heimann Building located at 118 N. Medina Street for the construction of two (2) balconies within New City Block 264

Dear Ms. Valencia:

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

**CITY PUBLIC SERVICE:** "City Public Service poles on Houston Street are in conflict with construction and need to be removed prior to construction."

Additionally, petitioner agrees to pay the total license fee of \$3,754.00 for a 10-year term, which includes \$40.00 for the recording fees. This fee is based on a 50% discount of \$7,508.00 due to the petitioner qualifying in accordance with the Development Incentive Toolkit, passed and approved on May 29, 2003. 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 total license fee will be returned to the petitioner.

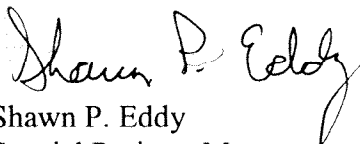
Also, a Certificate of Insurance must be provided to the City Clerk's Office by which the City of San Antonio is formally released from any and all liabilities, which may be incurred in connection with this request.

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 and attached Discretionary Contracts Disclosure Statement 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.

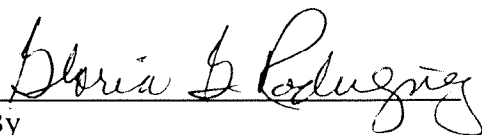
Sincerely,



Shawn P. Eddy  
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

**AVANCE, Inc., a Texas Non-profit Corporation**



By

Dr. Gloria G. Rodriguez  
Print Name

President and CEO

Title

July 17, 2003

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**<sup>1</sup> that would be a party to the discretionary contract:

AVANCE, Inc.

and the name of:

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

G. W. Mitchell & Sons, Inc.

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

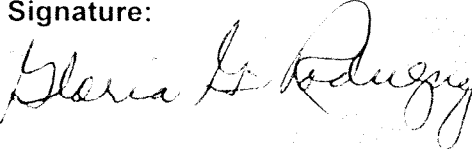
### Political Contributions

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.

N/A		
<b>Signature:</b> 	<b>Title:</b> President <b>Company:</b> AVANCE, Inc.	<b>Date:</b> July 17, 2003

<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