

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, November 13, 2003

SUBJECT: S.P. No. 1102 - Request for a License to Use Air Space over East Commerce Street Public Right of Way for the facade at the Watermark Hotel at 212 West Crockett Street

PETITIONER: La Mansion Hotels, Ltd.
Attn: Jack C. Hebdon, Jr., Exec. V.P.
112 E. Pecan St., Suite 2810
San Antonio, TX 78205-1570

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to La Mansion Hotels, Ltd. to use the air space over East Commerce Street Public Right of Way for the reconstruction of the facade at the Watermark Hotel at 212 West Crockett Street, in NCB 116, for a ten (10) year term and the consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting to use air space over East Commerce Street Public Right of Way for the Watermark Hotel at 212 West Crockett Street located between St. Mary's and Navarro Streets as shown on attached Exhibit "A." The original façade collapsed in December 2002 and is being reconstructed in accordance with plans and specifications previously submitted to the Planning Department, and in compliance with specific requirements of the City's Historic and Design Review Commission. The areas of the façade that will be licensed to protrude over the Public Right of Way are a parapet, cornice and other architectural features.

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

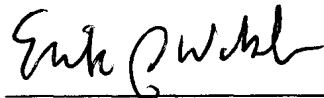
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 11/12/2003.

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

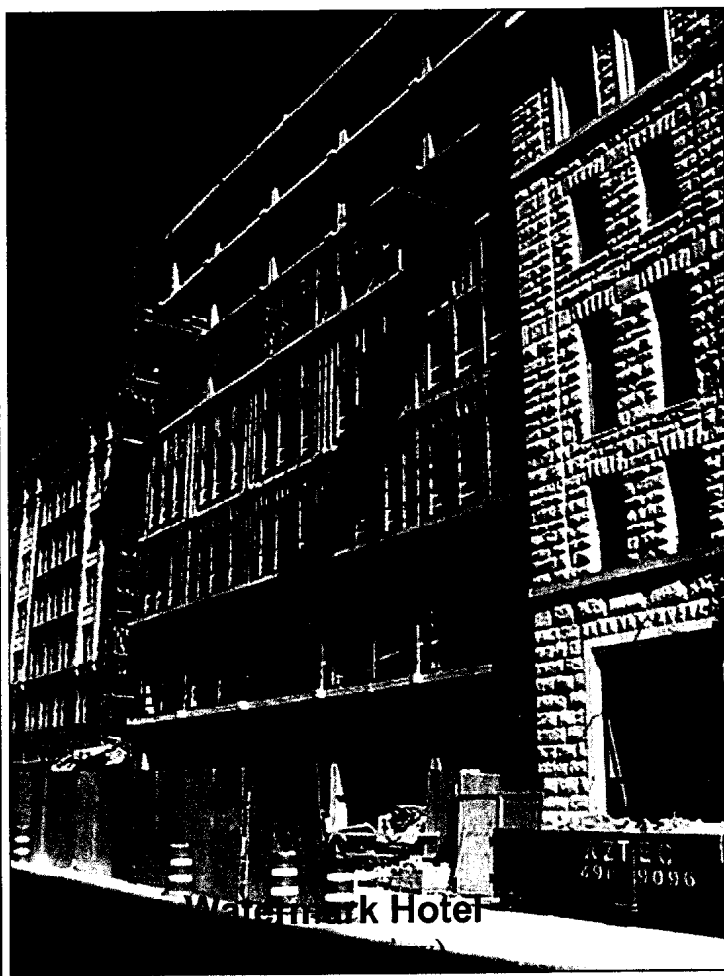
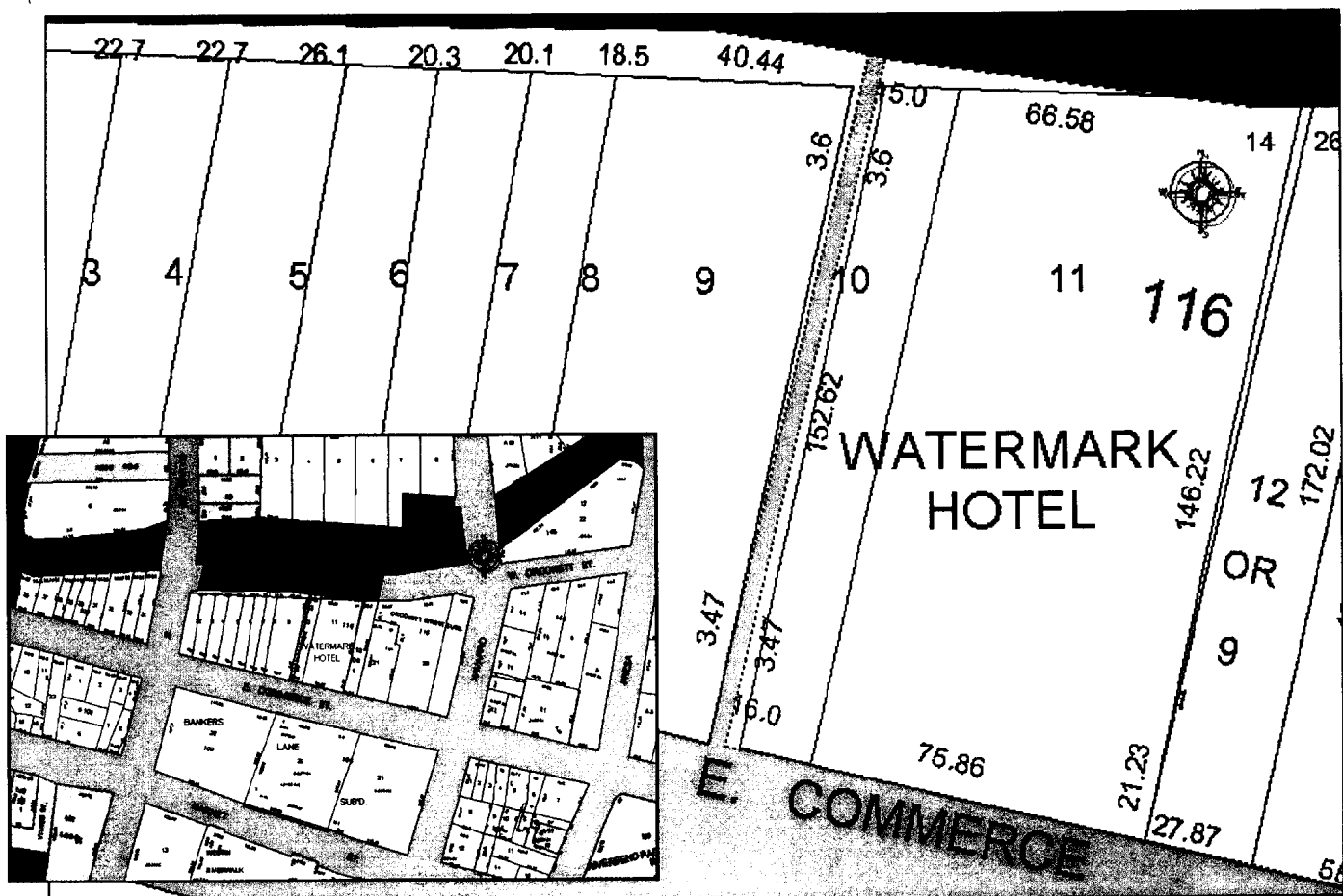


Exhibit "A"

Canvassing Checklist

SPNo **1102**

Request: Petitioner is requesting the use of air rights over Public Right of Way for La Mansion Hotels, Ltd., located between St. Mary's and Navarro Streets as shown on attached Exhibit "A." The original façade collapsed in December 2002 and will be reconstructed in accordance with plans and specifications previously submitted to the Planning Department, and in compliance with specific requirements of the City's Historic and Design Review Commission. The areas of the façade that will be licensed to protrude over the Public Right of Way are parapet, cornice and other architectural features.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	4/2/2003	5/15/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	4/2/2003	6/3/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	4/2/2003	4/22/2003	<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 type="checkbox"/>			<input 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"/>
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"/>	4/2/2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

DOWNTOWN RESIDENTS ASSN.; ATTN: STEVE GIUST; 711 N. ST. MARYS, #38, 78205



CITY OF SAN ANTONIO

September 5, 2003

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

La Mansion Hotels, Ltd.
Attn: Jack C. Hebdon, Jr.
Executive Vice President
112 E. Pecan St., Suite 2810
San Antonio, Texas 78205-1570

Re: S. P. No. 1102 — Request for a License to Use air rights over East Commerce Street Public Right of Way for the façade at the Watermark Hotel at 231 East Commerce Street

Dear Mr. Hebdon:

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 conditions:

DEVELOPMENT SERVICES DEPARTMENT:

Approved provided that the new construction is consistent with plans approved by the Historic and Design Review Commission.

The fee established for this license agreement is \$5,000.00 for a 10-year term. The 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 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, License Agreement, 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 seven-(7) 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

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER

By
Print Name Jack C. Hebdon, Jr.

E. V. P.
Title
9-5-03
Date

Exhibit "C"

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:

NONE

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

La Mansión Hotels, Ltd.

and the name of:

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

NONE

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;

Patrick J. Kennedy, Limited Partner
La Mansión Development Company, Inc., Limited Partner
LMDR, L.L.C., General Partner

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.

Jane H. Macon, Attorney

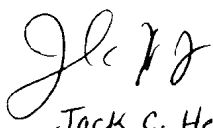
Political Contributions

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:
Bobby Perez	\$1,000.00	2/15/02
Ed Garza	1,000.00	4/19/02
Toni Moorhouse	500.00	6/24/02
Roger Flores Jr.	1,000.00	9/9/02
Ed Garza	2,000.00	2/5/03
Carroll Schubert	500.00	4/4/03

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:  Jack C. Heddon, Jr.	Title: E.V.P. Company: LA Mansion Hotels, LTD. by: H. MORRIS General Partner	Date: 10-2-02

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.