

CONSENT AGENDA  
ITEM NO. 30

**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 Division

**DATE:** Thursday, December 4, 2003

**SUBJECT:** S. P. No. 282—Request for a Renewal of a License to Use Public Right of Way over East Durango Boulevard for an existing decorative wall and landscaping adjacent to New City Block 901

**PETITIONER:** HMC Retirement Properties, L.P.; c/o Plaza San Antonio Hotel  
Attn: John Smith, Controller  
555 S Alamo St.  
San Antonio, TX 78205

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will renew a license with HMC Retirement Properties, L.P. for the continued use of East Durango Boulevard Public Right of Way for an existing decorative wall and landscaping at the abutting Plaza San Antonio Hotel located at 555 South Alamo Street, in NCB 901, for a ten (10) year term and the consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner requests renewal of a License Agreement to Use Public Right of Way at East Durango Boulevard for an existing decorative wall and landscaping at the Plaza San Antonio Hotel property at 555 South Alamo Street as shown on attached Exhibit "A." Petitioner would like to continue to maintain the existing encroachments which were licensed under City Ordinance No. 49367, passed and approved on May 11, 1978.

**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**

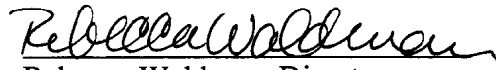
In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

Further, this license will be assignable to Barcelo Crestline Corporation or Highland Hospitality Corporation or their affiliates due to an impending sale of the Plaza San Antonio Hotel.


**SUPPLEMENTARY COMMENTS**

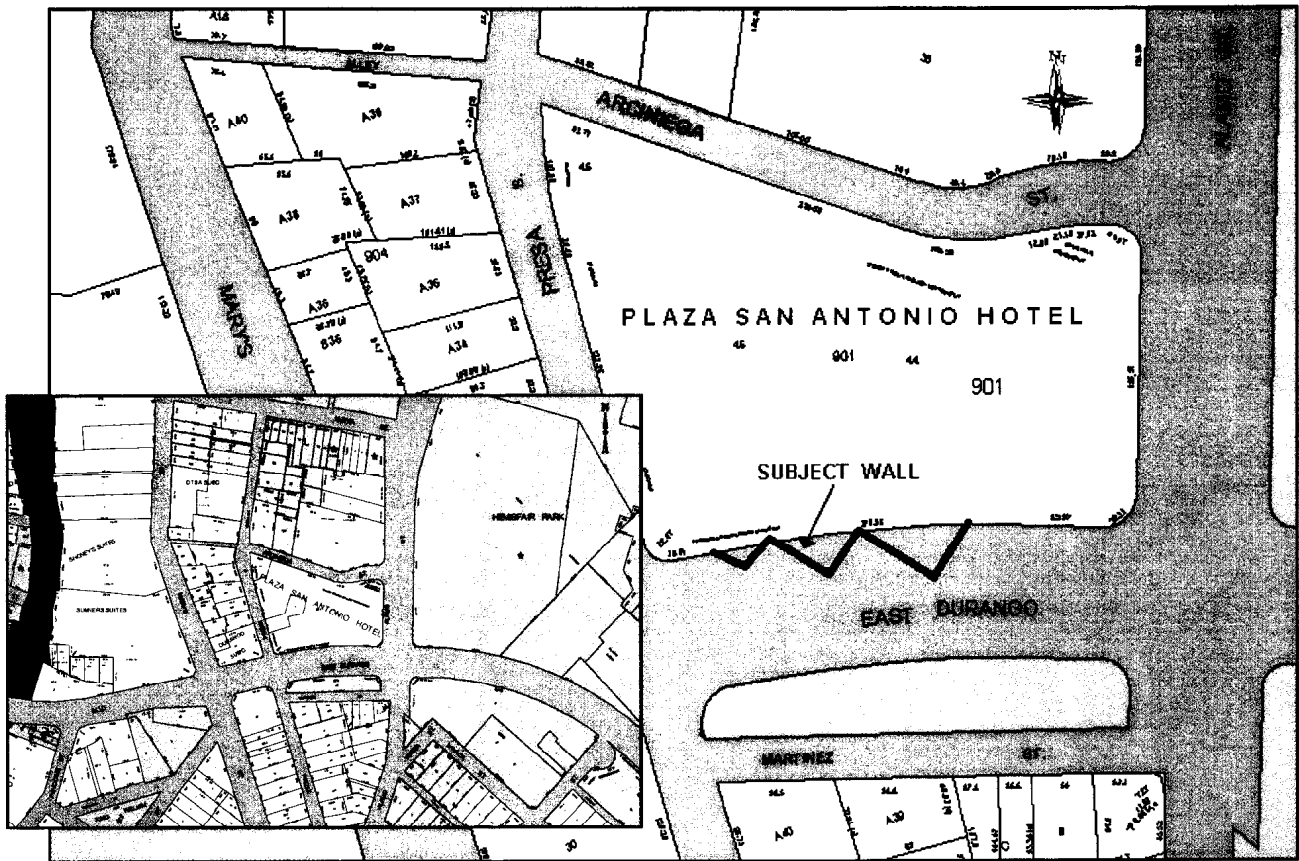
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 11/26/2003.

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 **282**

Request: Petitioner requests renewal of a License Agreement to Use Public Right of Way at East Durango Boulevard for an existing decorative wall and landscaping at the Plaza San Antonio Hotel property at 555 South Alamo Street as shown on attached Exhibit "A." Petitioner would like to continue to maintain the existing encroachments which were licensed under City Ordinance No. 49367.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	2/4/2003	3/18/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	2/4/2003	3/13/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	2/4/2003	3/17/2003	<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"/>	2/4/2003	3/19/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	2/4/2003	2/21/2003	<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 checked="" type="checkbox"/>	2/4/2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Canvassing Comments

DOWNTOWN RESIDENTS ASSN.; C/O STEVE GIUST; 711 N. ST. MARYS, #38; 78205



# 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

October 13, 2003

HMC Retirement Properties, L.P.  
A Delaware Limited Partnership  
c/o Host Marriott Corporation  
Attn: Susan Winson  
6903 Rockledge Dr., Suite 1500  
Bethesda, MD 20817

Re: S. P. No. 282—Request for Renewal of a License to Use Public Right of Way over East Durango Boulevard for an existing decorative wall and landscaping at the Plaza San Antonio Hotel property at 555 South Alamo Street

Dear Ms. Winson:

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:

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 fully completed and signed Discretionary Contracts Disclosure Statement is required. 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, and the Discretionary Contracts Disclosure Statement we will continue processing your request.*

Exhibit "C"

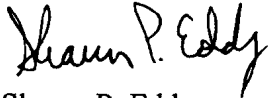
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HMC Retirement Properties, L.P.  
A Delaware Limited Partnership  
c/o Host Marriott Corporation  
Attn: Susan Winson  
SP 282 / October 13, 2003

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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,



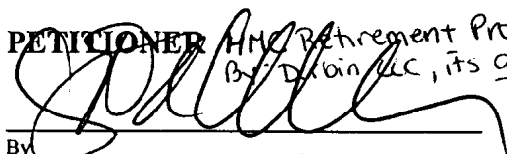
Shawn P. Eddy  
Special Projects Manager  
Property Disposition Division

SPE/ma

CERTIFIED MAIL 7001 1940 0000 1124 8198

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER HMC Retirement Properties, L.P.  
By: Dublin LLC, its general partner

  
By John A Carnella  
Print Name

Vice President  
Title  
10/27/03  
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:

NONE

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

HMC RETIREMENT PROPERTIES, L.P.

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;

DURBIN LLC, ITS GENERAL PARTNER

<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.

NONE

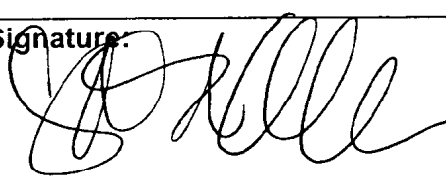
#### Political Contributions

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:
NONE		

#### 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: Vice President Company: HMC RETIREMENT PROPERTIES, L.P. BY: Durbin LLC, its general partner	Date: 10/27/03

<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.