

CONSENT AGENDA
ITEM NO. 31

**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, December 04, 2003

SUBJECT: S.P. No. 1120 - Request for a License to Use Callaghan Road Public Right of Way for a playground area and the placement of a fence adjacent to NCB 14277 at the intersection of Centerview Drive

PETITIONER: Centerview Professional Building, L.P.
Attn: Baron C. Clark
7910 Robin Rest
San Antonio, TX 78209

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to Centerview Professional Building, L.P., a Texas Limited Partnership to use, maintain and construct a playground and to place a fence over a 10 foot by 95 foot portion of Callaghan Road Public Right of Way at a new children's day care facility at 6110 Callaghan Road, in NCB 14277, for a ten (10) year term and the consideration of \$5,004.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a License to Use Callaghan Road Public Right of Way for a playground area and the placement of a fence adjacent to NCB 14277 at the intersection of Centerview Drive as shown on attached Exhibit "A." The area proposed to be used is a 10 foot by 95 foot area. Petitioner plans to open a children's day care facility on his abutting property and if approved, would like to use the adjacent Right of Way in combination with his property for a playground area for the children. In addition, a fence would be erected for safety purposes.

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 \$5,004.00 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 11/26/2003.

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

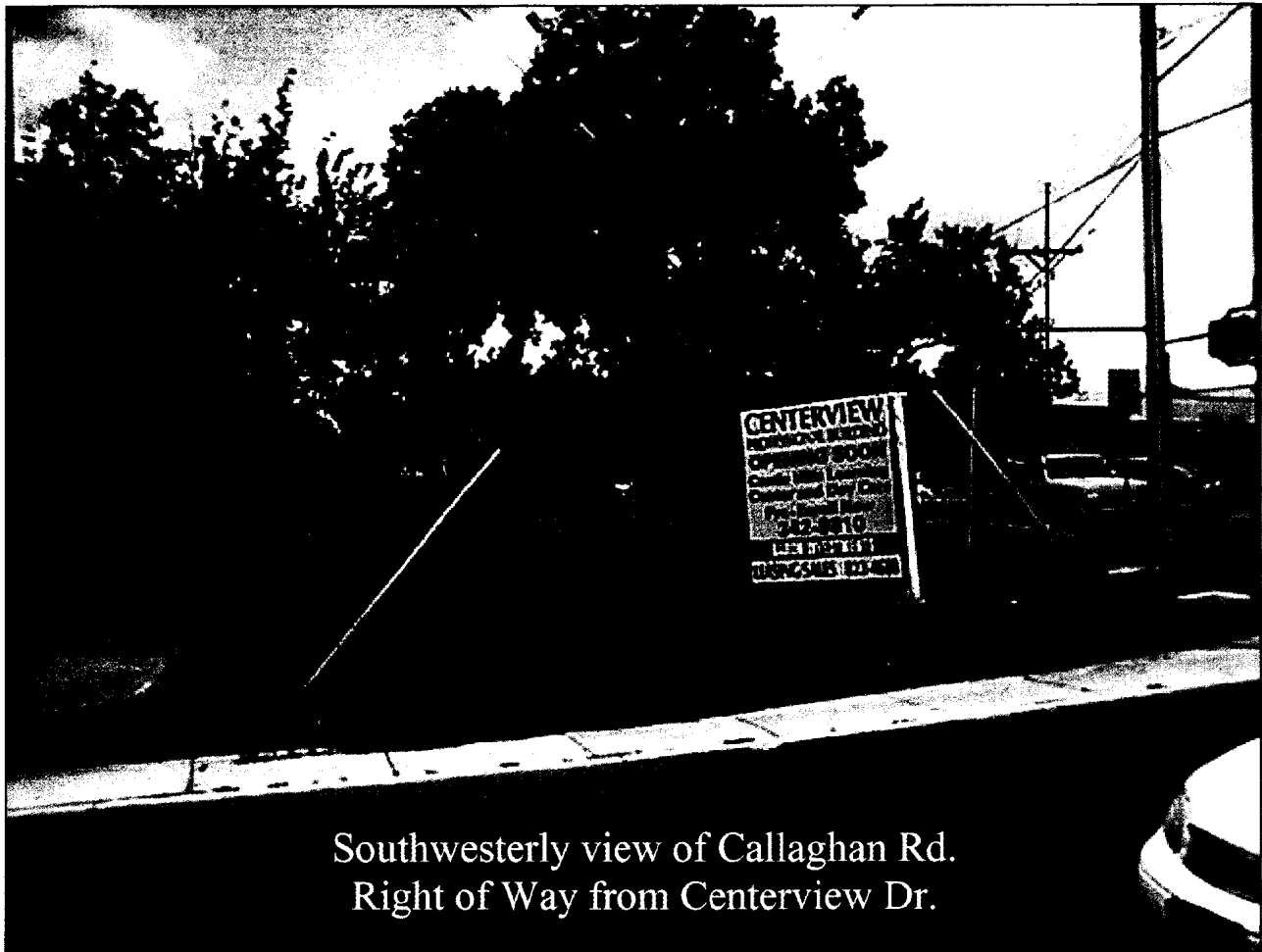
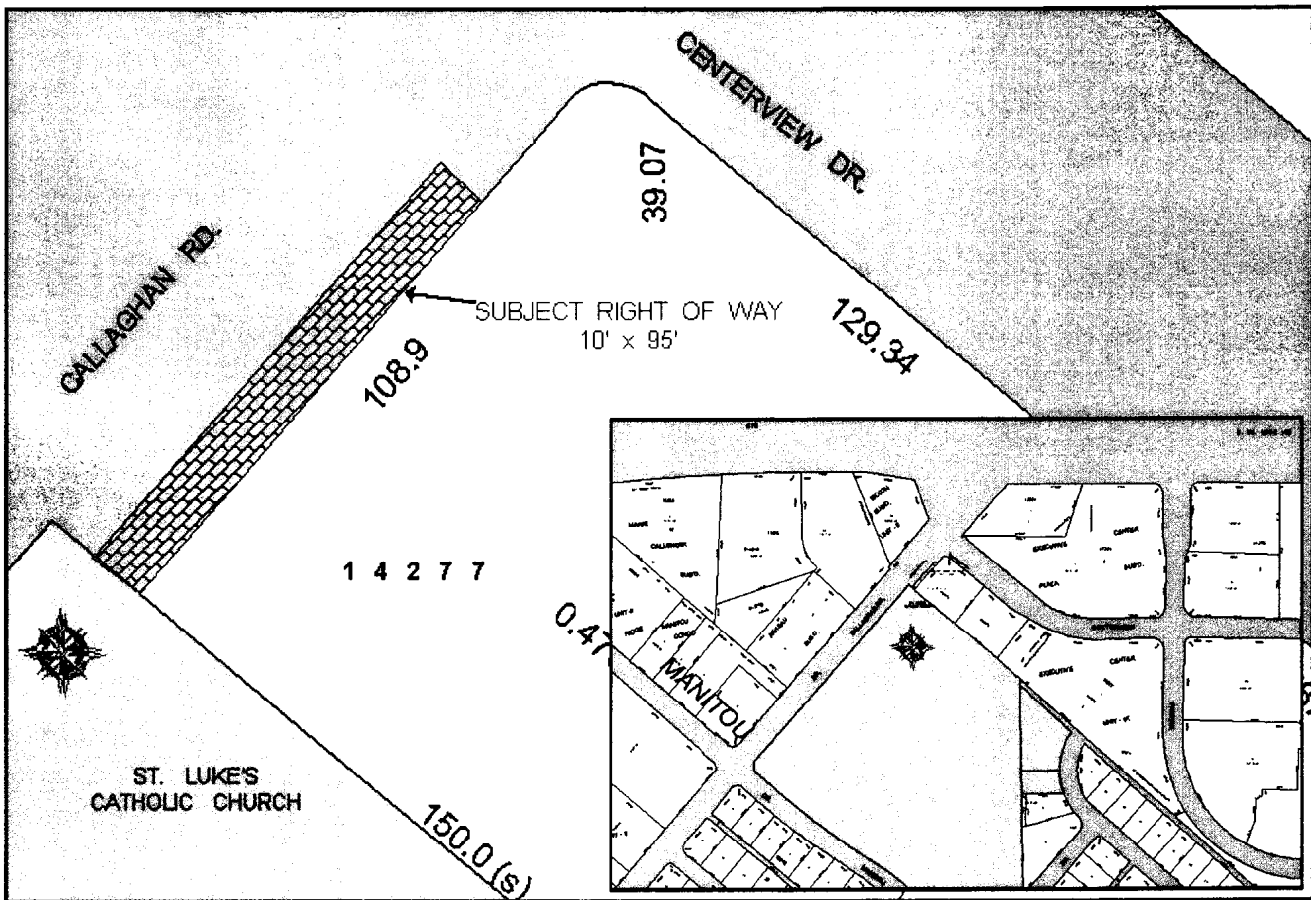


Rebecca Waldman, Director
Department of Asset Management

Approved:



Erik J. Walsh
Assistant to the City Manager



Southwesterly view of Callaghan Rd.
Right of Way from Centerview Dr.

Exhibit "A"

Canvassing Checklist

SPNo **1120**

Request: Petitioner is requesting a License to Use Callaghan Road Public Right of Way for a playground area and the placement of a fence adjacent to NCB 14277 at the intersection of Centerview Drive as shown on attached Exhibit "A." The area proposed to be used is a 10 foot by 95 foot area. Petitioner plans to open a Children's Day Care Facility on his abutting property and if approved, would like to use the adjacent Right of Way in combination with his property for a playground area for the children. In addition, a fence would be erected for safety purposes.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	7/24/2003	8/12/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	7/24/2003	9/24/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	7/24/2003	9/9/2003	<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"/>	7/25/2003	8/21/2003	<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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

NO NEIGHBORHOOD ASSOCIATION.



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 14, 2003

Centerview Professional Building, L.P.
Attn: Baron Clark
7910 Robin Rest
San Antonio, TX 78209

Re: S. P. No. 1120—Request for a License to Use Callaghan Road Public Right of Way for use and placement of a fence and playground area adjacent to NCB 14277

Dear Mr. Clark:

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 a license to use Public Right of Way subject to the following conditions:

DEVELOPMENT SERVICES DEPARTMENT

Approved provided all playground equipment is setback at least 10 feet from the back of the sidewalk.

PUBLIC WORKS DEPARTMENT

Capital Programs Division: Approved provided clearance of four (4) feet from sidewalk is maintained; clear traffic control box in southwest corner; and petitioner must agree to relocate fence if this right of way is needed for roadway expansion.

Street Maintenance Division: Approved provided a fifty (50) foot cutback or fifty (50) foot radius at intersection. Clear zone must be maintained at all times.

Traffic Engineering Division: Approved provided any fence or object within proposed licensed area be subject to maintaining intersection visibility (the motorist's view from Centerview to northbound traffic on Callaghan) per the requirements of Section 35-506 (d)(5) of the Unified Development Code (UDC). Basically, any fence or obstruction must be behind a line formed by connecting a point on the south curb line of Centerview, fourteen (14) feet, zero (0) inches easterly from the curb's intersection with the east curb line of Callaghan to a point approximately eight (8) feet, zero (0) inches off the curb line of Callaghan approximately 164 feet south of Centerview. Any fence constructed will require prior inspection for location by the Traffic Division in accordance with the usual permitting requirements.

CITY PUBLIC SERVICE BOARD

Approved provided perceptual and maintenance access is maintained for existing facilities.

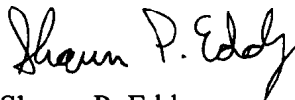
Also, the fee established for this license agreement is \$5,004.00 for a 10-year term. This license fee will be due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the fee will be returned to the petitioner. Also, 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 license, please countersign this letter in the space provided below and return to the undersigned. *Upon receipt of this signed Letter of Agreement, the License Agreement, the Certificate of Insurance, 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,

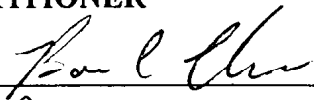


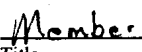
Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER

By 
Baron C. Clark
Print Name


Title
10-15-03
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:

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

Centerview Professional Building, L.P.

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;

Baron Development, LLC
Baron C. Clark

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

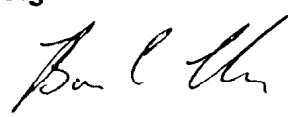
Political Contributions

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: Member Company: Centerview Professional Bldg. LP. By: Baron Dev. its Gen. Partner	Date: 10-15-03

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.

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.

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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:

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

Mitchell Learning Centers, Inc.

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

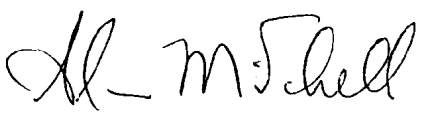
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Signature: 	Title: President Company: Mitchell Learning Centers, Inc.	Date: 10/15/03

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.