

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, June 24, 2004

SUBJECT: S. P. No. 1077—Request for a License to Use Public Right of Way over an irregular portion of Old Thousand Oaks Drive adjacent to NCB 13732

PETITIONER: 99 Cents Only Stores Texas, Inc.
Attn: Jeff Gold, President
4000 Union Pacific Avenue
City of Commerce, CA 90023

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to 99 Cents Only Stores Texas, Inc., a Delaware Corporation to use and maintain an irregular portion of Old Thousand Oaks Drive Public Right of Way located approximately 850 feet southeast of Jones Maltsberger Road for the sole purpose of landscaping adjacent to NCB 13732, in Council District No. 9, for a ten (10) year term and the consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license to use an irregular portion of Old Thousand Oaks Drive Public Right of Way located adjacent to NCB 13732 as shown on attached Exhibit "A." This property consists of approximately 0.23 acres (9,821.03 square feet) of land and petitioner would like to landscape and aesthetically improve the Right of Way. The petitioner plans to plat and develop his abutting property for commercial use.

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.

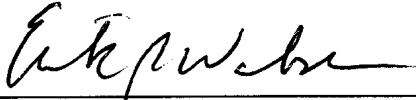
SUPPLEMENTARY COMMENTS

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

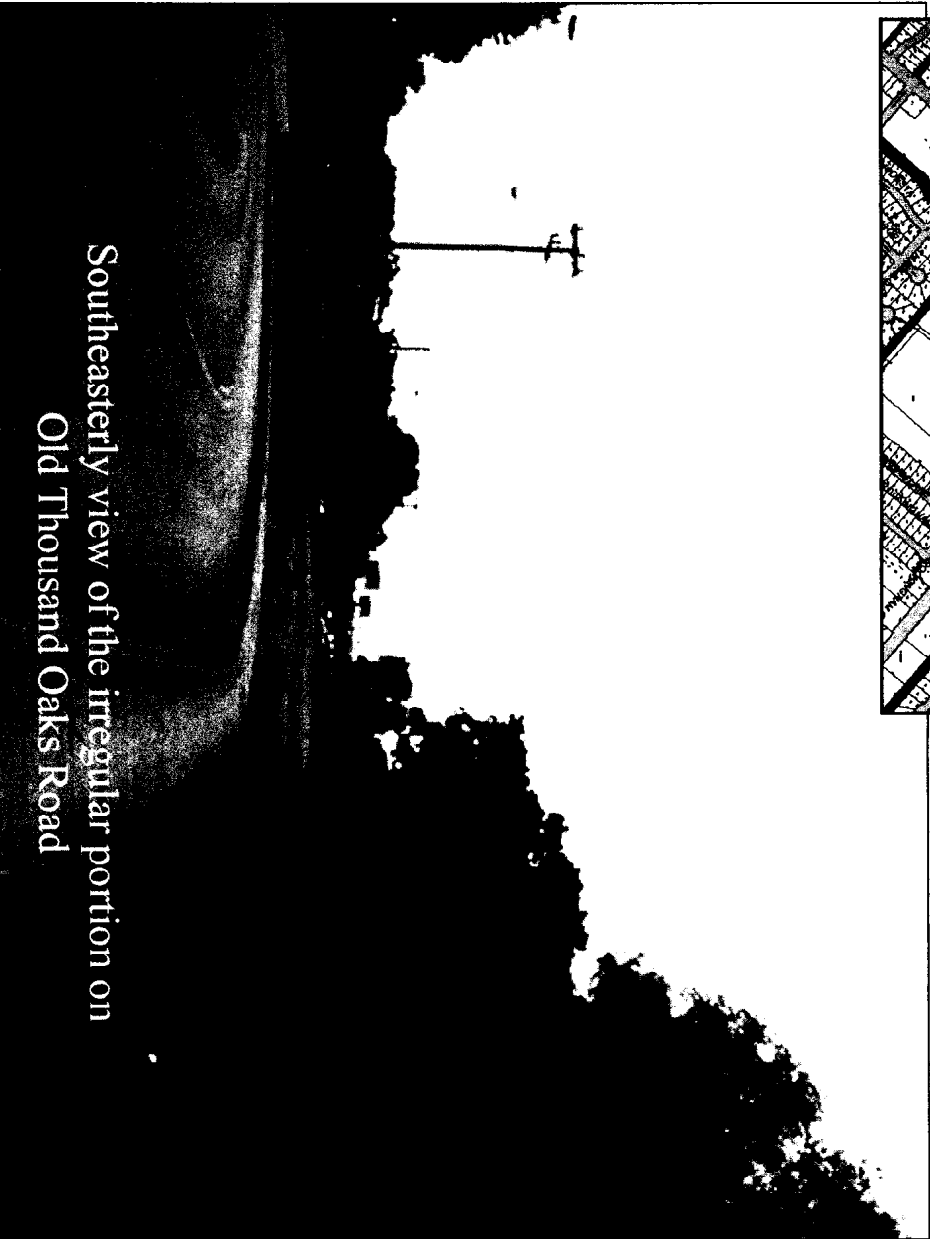
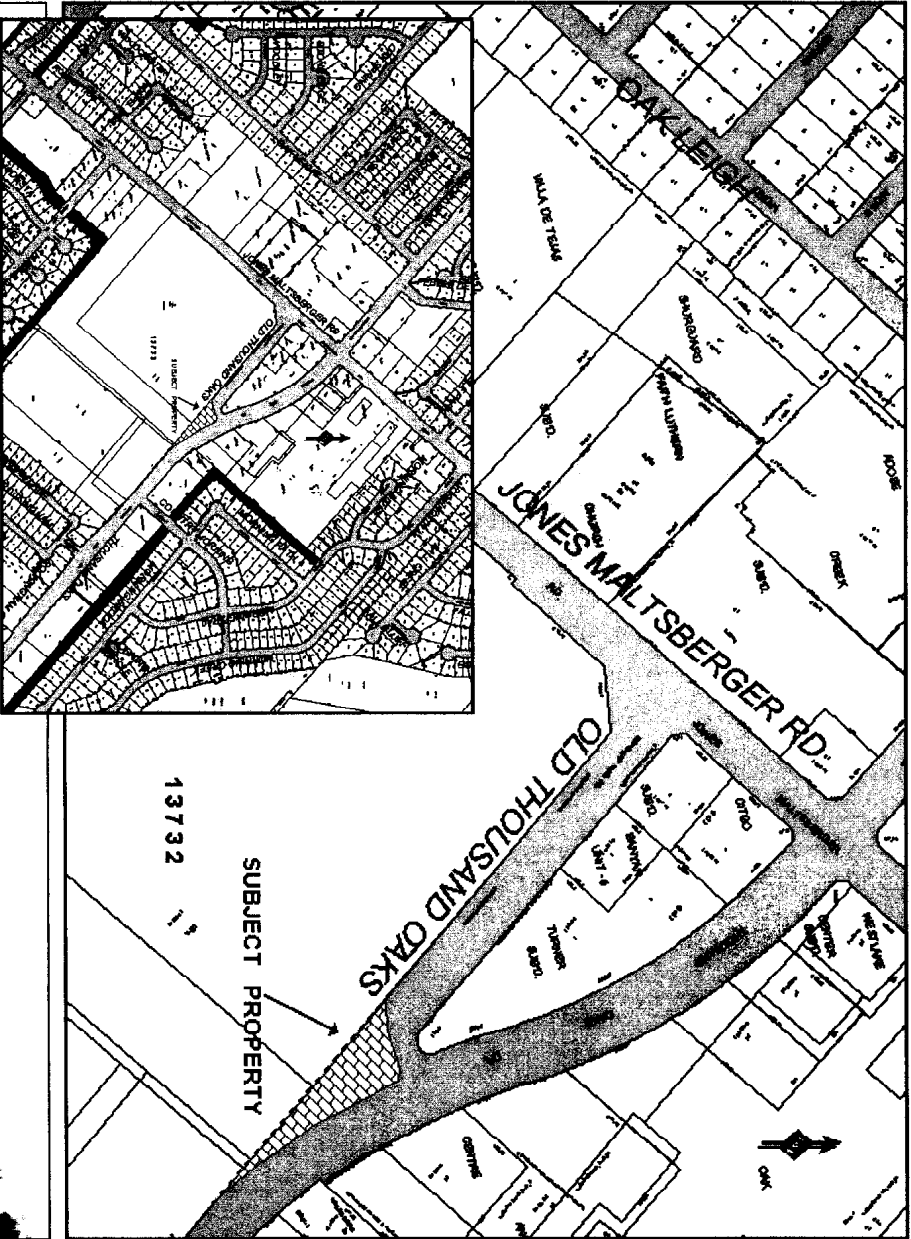


Exhibit "A"

Canvassing Checklist

SPNo 1077

Request: Petitioner is requesting a license to use an irregular portion of Old Thousand Oaks Drive Public Right of Way located adjacent to NCB 13732 as shown on attached Exhibit "A." This property consists of 0.23 acres (9,821.03 square feet) of land and petitioner would like to landscape and aesthetically improve the Right of Way. The petitioner plans to plat and develop his abutting property for commercial use.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	9/24/2002	10/17/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	9/24/2002	11/1/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	9/24/2002	10/10/2002	<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"/>	9/24/2002	11/7/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	9/24/2002	10/29/2002	<input type="checkbox"/>	<input checked="" 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 applicable.



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

March 2, 2004

99 Cents Only Stores Texas, Inc.
a Delaware Corporation
Attn: Jeff Gold, President
4000 Union Pacific Avenue
Commerce, California 90023

Re: S. P. No. 1077—Request for a License to Use Public Right of Way over an irregular portion of Old Thousand Oaks Drive adjacent to NCB 13732

Dear Mr. Gold:

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:

DEPARTMENT OF ASSET MANAGEMENT:

Approved provided that use of the subject irregular portion of Old Thousand Oaks Drive Public Right of Way is limited to landscaping only.

Also, 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 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.

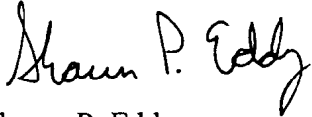
Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required and enclosed for your convenience.

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, the License Agreement, the Discretionary Contracts Disclosure form, the Certificate of Insurance and the payment, we will continue processing your request.*

A handwritten signature in dark ink, appearing to be "J. Gold", located at the bottom right of the page.

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,

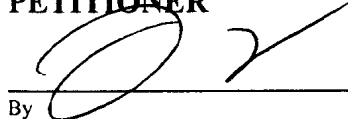


Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER



By

99 CENTS ONLY STORES TEXAS, INC.
Print Name

JEFF GOLD / President

Title

Date

3/10/04



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:

99 Cents Only Stores Texas, Inc.

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;

99¢ Only Stores and 99 Cents Only Stores

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.

None

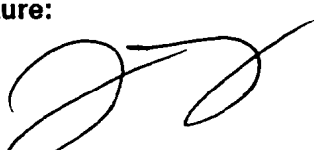
Political Contributions

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	N/A	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.

None		
Signature: 	Title: President Company: 99 Cents Only Stores Texas, Inc.	Date: 3/10/04

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.