

**CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET**

CONSENT AGENDA

ITEM NO. 11

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: August 05, 2004
SUBJECT: S.P. No. 1111/ 1138 - Petitioner is requesting a license agreement for continued use of N. McCullough Ave Public Rights of Way between NCB's 389 and 842, and to construct, maintain and operate a sky bridge above and across E. Laurel Street between NCB's 842 and 393.

PETITIONER: Metropolitan Methodist Hospital
Attn: Greg Senulis, V.P., Moy Civil Engineers
23705 IH-10 West, Ste. # 207
San Antonio, Texas 78257

SUMMARY AND RECOMMENDATIONS

Petitioner is requesting a license agreement for continued use of Public Rights of Way between NCB's 389 and 842 for existing utilities beneath, above and across N. McCullough Ave., and to construct, maintain and operate a sky bridge above and across E. Laurel Street between NCB's 842 and 393, for the total consideration of \$15,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license agreement to use (1) Public Rights of Way beneath N. McCullough Avenue for existing conduits for chilled water lines, and for an existing pedestrian walkway (sky bridge) above and across N. McCullough Avenue located between NCB's 389 and 842, and (2) to construct, maintain and operate an overhead pedestrian passageway (sky bridge) across the 300 block of E. Laurel Street between NCB's 842 and 393 as shown on attached Exhibit "A".

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.

Metropolitan Methodist Hospital
SP No's 1111/1138
August 5, 2004

FISCAL IMPACT

The City will collect \$15,000 for this license to use Public Rights 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 7/28/2004.

Executed Discretionary Contracts Disclosure Statement from petitioner is attached.



Rebecca Waldman, Director
Department of Asset Management

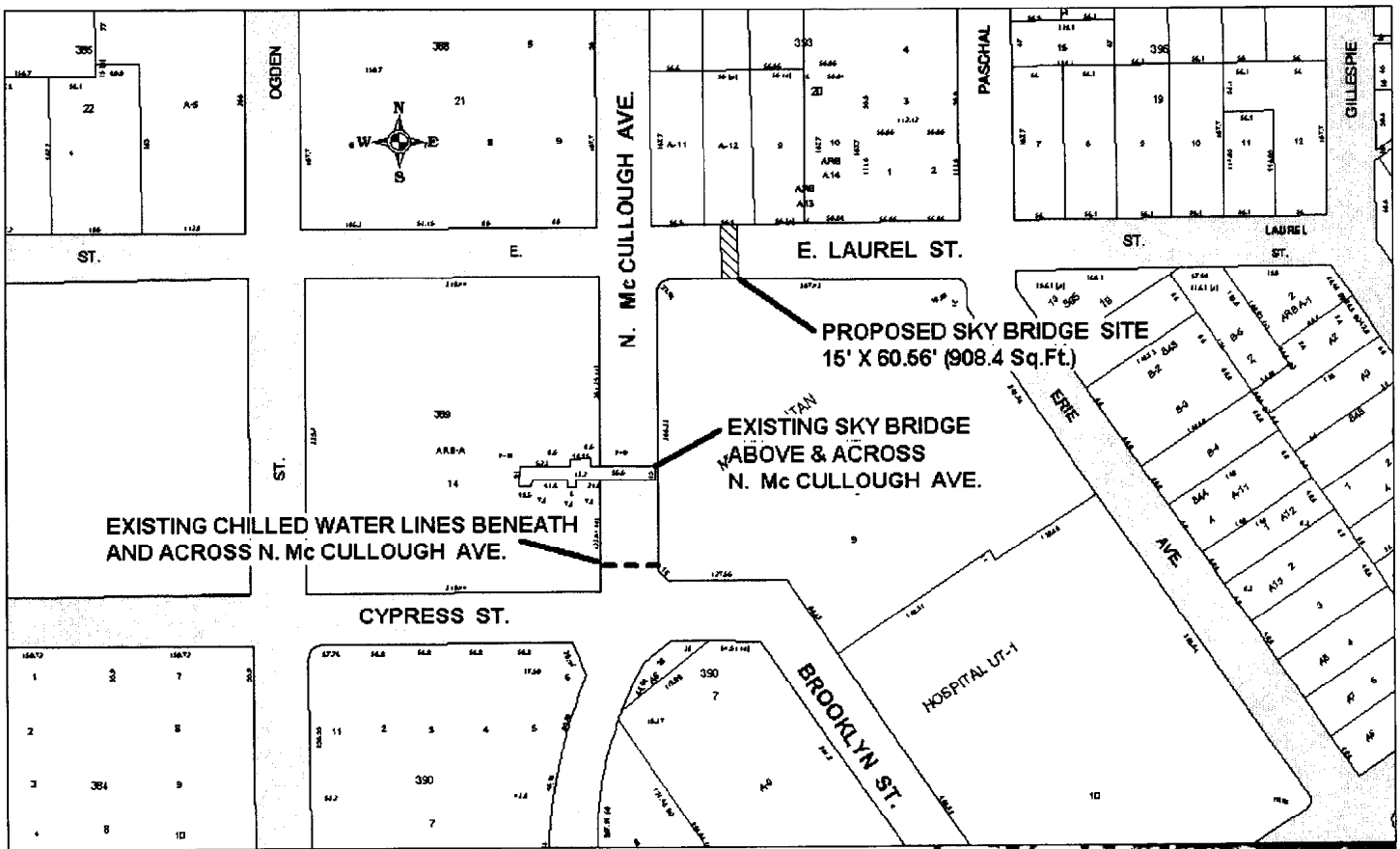
Approved:



Erik J. Walsh
Assistant to the City Manager

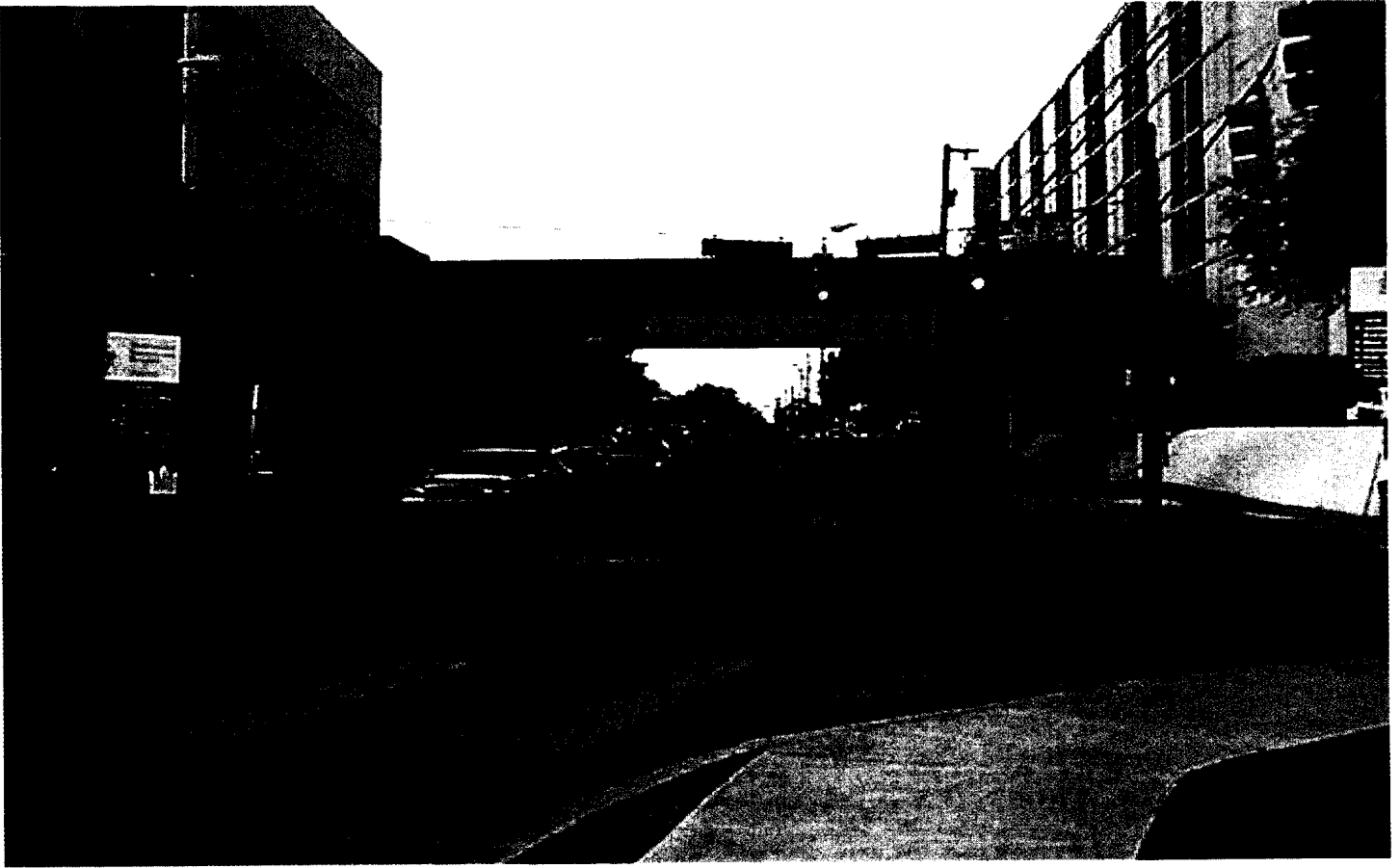


Terry M. Brechtel
City Manager



Easterly view on E. Laurel St. of proposed site for sky bridge crossing

EXHIBIT 'A'



Northerly view of existing skybridge above and across N. McCullough Ave. with existing chill water lines beneath same.

EXHIBIT A

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Canvassing Checklist

SPNo 1138

Request: Petitioner is requesting the renewal of license agreements for the use of Public Right of Way for 1) an existing subsurface conduit for chill water lines; and 2) an existing overhead pedestrian walkway (skybridge) both spanning N. McCullough Avenue, between NCB's 389 and 842, and connecting Metropolitan Methodist Hospital facilities located at 1303 and 1310 N. McCullough Avenue, as shown on attached Exhibit "A".

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	11/7/2003	5/25/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	11/7/2003	1/19/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	11/7/2003	11/21/2003	<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 checked="" type="checkbox"/>	11/7/2003	11/18/2003	<input checked="" 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"/>	11/7/2003	12/1/2003	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	11/7/2003	11/20/2003	<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 checked="" type="checkbox"/>	11/7/2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

12/2/03--Tobin Hill Residents Association Unconditional Approval



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

April 16, 2004

Metropolitan Methodist Hospital
Attn: Mark L. Bernard
1310 McCullough Ave.
San Antonio, Texas 78212

Re: S. P. No. 1138 — Request for a license to use Public Rights of Way beneath N. McCullough Ave. for existing conduits for chill water lines, and for an existing pedestrian walkway (skybridge) above and across N. McCullough Ave. located between NCB's 389 and 842.

Re: S. P. No. 1111 — Request for a License Agreement to construct, maintain and operate an overhead pedestrian passageway (skybridge) in the 300 block of E. Laurel Street between NCB's 842 and 393.

Dear Mr. Bernard:

With reference to the captioned projects, 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:

SAN ANTONIO WATER SYSTEM:

Petitioner must agree to reserve a perpetual easement for all existing water and/or sewer facilities and agrees to allow perpetual access to any such utilities for inspection, operational and maintenance purposes or may seek the relocation of the facilities with the express permission and coordination with the San Antonio Water System and at the sole expense of the petitioner.

CITY PUBLIC SERVICE:

No objection provided existing overhead design on McCullough remains unchanged and existing overhead facilities on E. Laurel Street must be relocated or placed underground at the owners' expense.

PLANNING DEPARTMENT:

A Certificate of Appropriateness must be obtained from the Historic Design and Review Commission (HDRC) prior to a license being issued. The Tobin Hill and the Tobin Hill Residents Associations must be contacted prior to any construction.

Exhibit "C"

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FIRE DEPARTMENT:

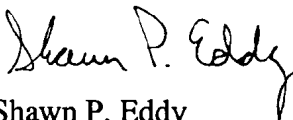
Must provide a 13'-6" minimum clearance from road surface (E. Laurel Street) to underside of bridge.

Additionally, the fee established for this license agreement is \$15,000.00 for a 10-year term, to be paid to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council the license 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.

If you concur with the above mentioned conditions, including the payment of the fee established for these encroachments, please countersign this letter in the space provided below and return to the undersigned. Upon receipt of this signed Letter of Agreement and the Certificate of Insurance 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

AGREED AS TO TERMS AND CONDITIONS:

**PETITIONER: METHODIST HEALTHCARE SYSTEM,
LTD., u/b/a METROPOLITAN
METHODIST HOSPITAL**


By _____
MARK BERNARD
Print Name _____
Title _____
5/27/04
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**¹ that would be a party to the discretionary contract:

Methodist Healthcare System of San Antonio, Ltd., L.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;

General Partners:

Columbia/HCA Healthcare Corporation of Central Texas

Methodist Healthcare Ministries of South Texas, Inc.

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

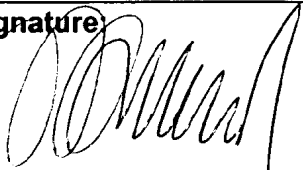
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *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		

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 to our knowledge.

None to our knowledge.		
Signature: 	Title: CEO Company:	Date: 5/21/09

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.

SP#s 1111/1138

**HISTORIC AND DESIGN REVIEW COMMISSION
CERTIFICATE OF APPROPRIATENESS**

May 19, 2004

CITY OF SAN ANTONIO

HDRC CASE NO: 2004-088
ADDRESS: 1410 McCullough Avenue
LEGAL DESCRIPTION: NCB 393, Block 20, Lot 16
PUBLIC PROPERTY: City Right of Way
APPLICANT: Moy Civil Engineers, Greg Senulis, 23705 IH-10 West, Ste. 207
OWNER: City of San Antonio
TYPE OF WORK: Skywalk

REQUEST:

The applicant is requesting a Certificate of Appropriateness for final approval of the design of a new skywalk across East Laurel Street to connect the new Women's Center to the existing Nursing Tower.

RECOMMENDATION:

The staff does not generally support the construction of new skywalks. However, the proposed skywalk does not impede vistas or views and it will provide for interoffice traffic and will not serve as a public walkway. Therefore, the staff recommends approval.

COMMISSION ACTION:

Approved as presented.

Ann Benson McGlone
Historic Preservation Officer