

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, September 2, 2004

SUBJECT: S.P. Nos. 1139 & 1150—Request for licenses to Use Air Space over Public Right of Way for three (3) balconies at 242, 248 & 254 Losoya Street adjacent to NCB 145, Lots 10, 11 & 12

PETITIONER: Alamo Quarters, Ltd.,
& Kboudi Partnership
Attn: Christopher Jones
3605 Inwood Rd.
Dallas, TX 75209

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to Alamo Quarters, Ltd., a Texas Limited Partnership; and Kboudi Partnership, a Texas general partnership, to use, maintain and operate an existing balcony (23.5 feet by 5 feet and 27.5 feet by 5 feet, respectively) over Public Right of Way adjacent to the co-owned building at 248 and 254 Losoya Street; also, license will be granted to Alamo Quarters, Ltd., a Texas Limited Partnership, to use, maintain and operate another existing balcony over Public Right of Way adjacent to the building at 242 Losoya Street; and construct a third balcony over Public Right of Way adjacent to the building at 246 Losoya Street, in NCB 145, in Council District No. 1, for a ten (10) year term and the total consideration of \$10,142.00 which includes a 75% reduction of the license fees as provided by the City's Incentive Scorecard, passed and approved by City Council on May 29, 2003.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioners are requesting licenses to use air space over Losoya Street Public Right of Way for three (3) balconies on Lots 10, 11 & 12, NCB 145 as shown on attached Exhibit "A." Alamo Quarters, Ltd. owns two (2) buildings and part (23.5 feet) of a third building; the other part (27.5 feet) of the building is owned by Kboudi Partnership as diagramed on Exhibit "B." The two (2) existing balconies are on buildings one and three, and Alamo Quarters, Ltd. proposes to build a balcony at its building on Lot 11 (Bldg. 2). Dimensions for the new balcony construction are on Exhibit "C."

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 \$10,142.00 for this license to use Public Right of Way that includes a 75% reduction of the license fee per the City's Incentive Scorecard.

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

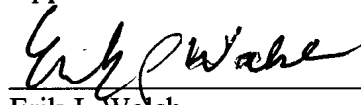
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 8/25/2004.

Executed Discretionary Contracts Disclosure Statements from petitioner(s) are attached.



Rebecca Waldman, Director
Department of Asset Management

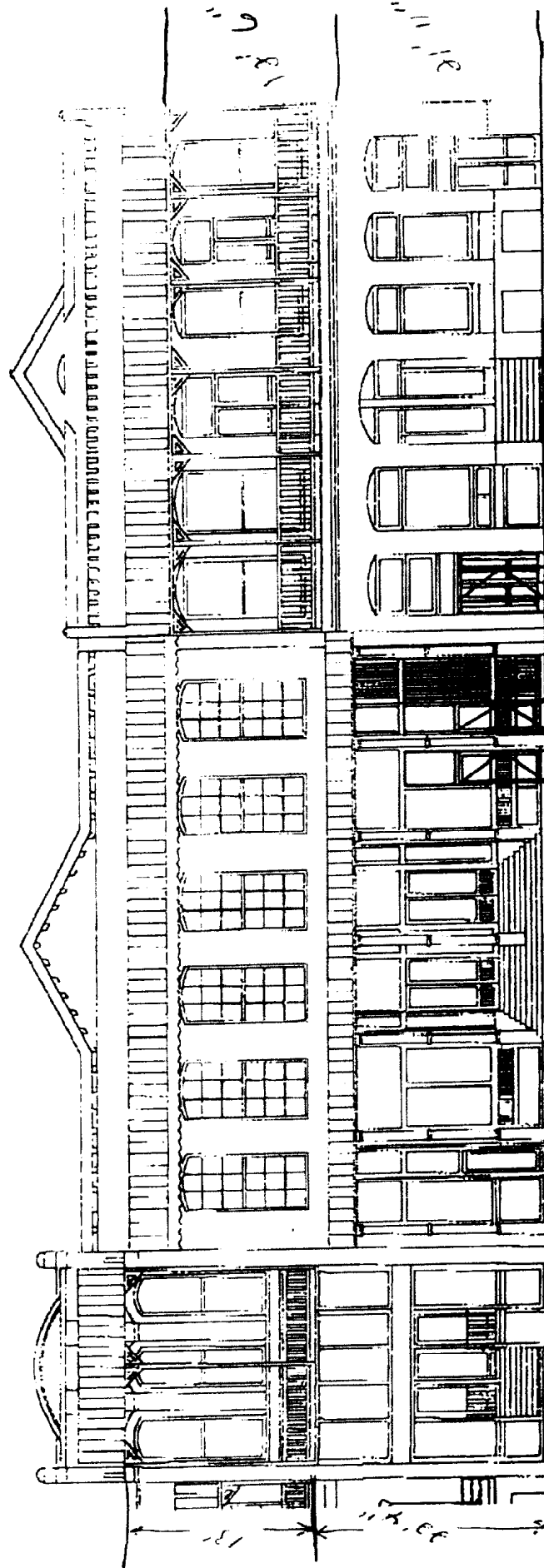
Approved:



Erik J. Walsh
Assistant to the City Manager

Existing Balconies

$22' 7''$
 $23' \frac{1}{2}$
 ALAMO
 QTRS 51'-0"
 $27' \frac{1}{2}$
 KBOUHL'S
 PARTNERSHIP



BLDG 1

BLDG 2

BLDG 3

Exhibit "B"

S. P. No. 1139—Petitioners: Alamo Quarters, Ltd.; & Khoudl Partnership

① Losoya Elevation 10'-1'-0"

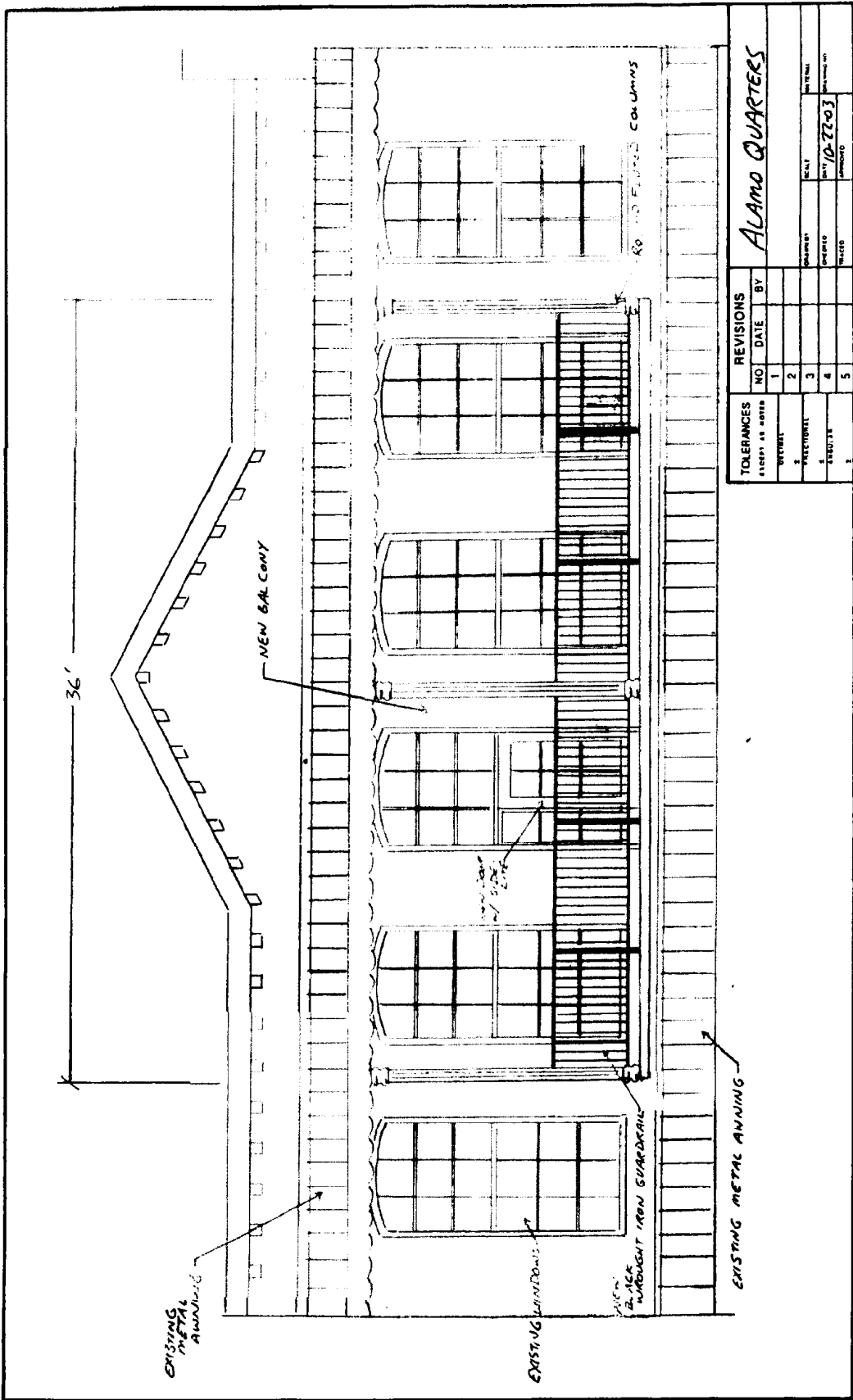


Exhibit "C" Page 1 of 2

S.P. No. 1139

Pettitioner: Alamo Quarters, Ltd.; & Kboudi Partnership

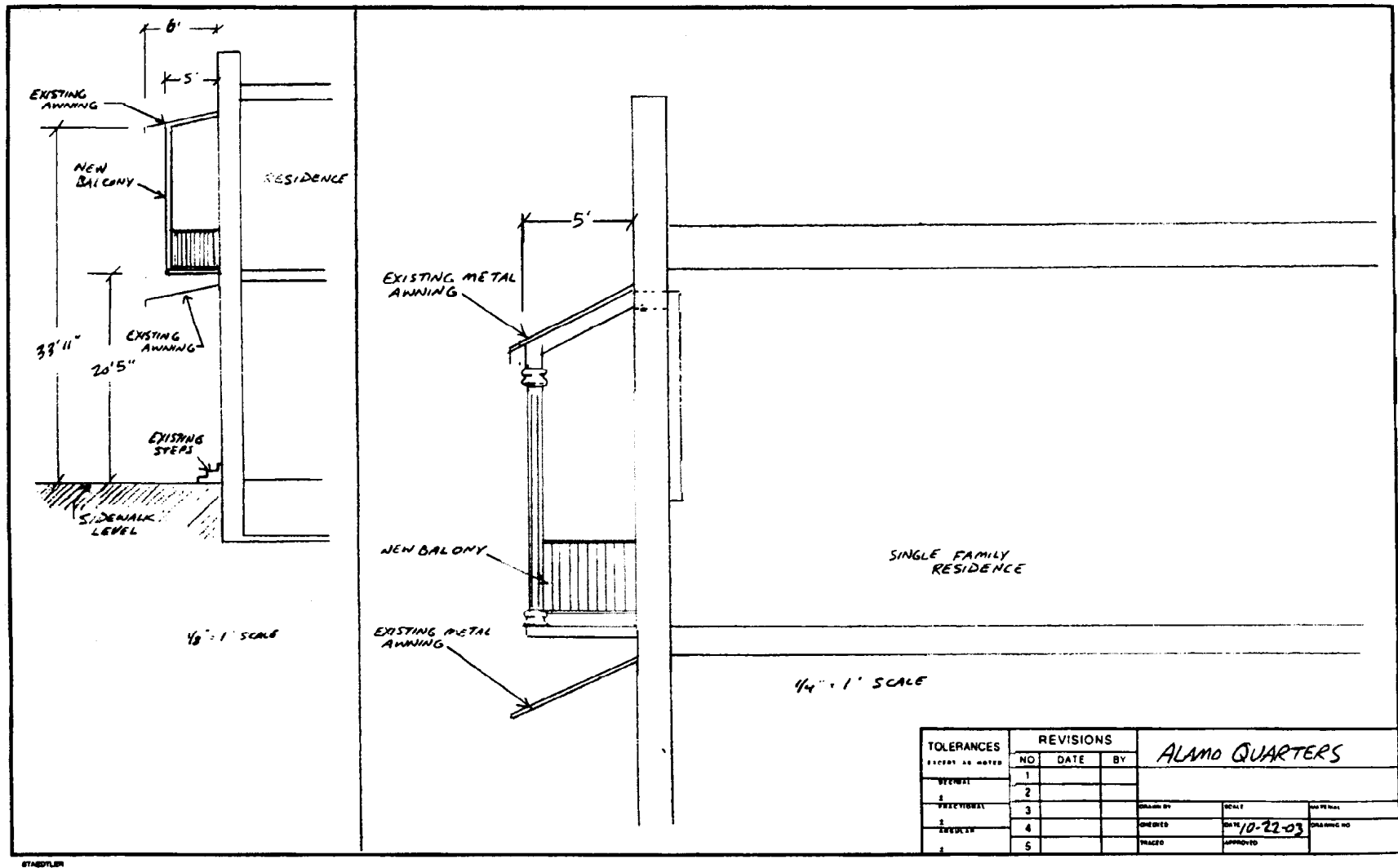


Exhibit "C"

Page 2 of 2

S.P. No. 1139

Petitioner: Alamo Quarters, Ltd.; & Khoudi Partnership

Canvassing Checklist

SPNo **1139**

Request: Petitioners are requesting licenses to use air space over Losoya Street Public Right of Way for three (3) balconies on Lots 10, 11 & 12, NCB 145 as shown on attached Exhibit "A." Alamo Quarters, Ltd. owns two (2) buildings and part (23.5 feet) of a third building; the other part (27.5 feet) of the building is owned by Kboudi Partnership as diagramed on Exhibit "B." The two (2) existing balconies are on buildings one and three, and Alamo Quarters, Ltd. proposes to build a balcony at its building on Lot 11 (Bldg. 2). Dimensions for the new balcony construction are on Exhibit "C."

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/8/2004	4/9/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/8/2004	2/11/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/8/2004	1/30/2004	<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"/>	1/8/2004	2/6/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	1/8/2004	1/21/2004	<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"/>	1/8/2004		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

DOWNTOWN RESIDENTS ASSOCIATION, ATTN: TOM REEDY, 105 S. ST. MARY'S SUITE 1214, 78205 - NO RESPONSE WAS RECEIVED.

Canvassing Checklist

SPNo 1150

Request: Petitioners are requesting licenses to use air space over Losoya Street Public Right of Way for three (3) balconies on Lots 10, 11 & 12, NCB 145 as shown on attached Exhibit "A." Alamo Quarters, Ltd. owns two (2) buildings and part (23.5 feet of balcony) of a third building; the other part (27.5 feet of balcony) of the building is owned by Kboudi Partnership as diagramed on Exhibit "B." The two (2) existing balconies are on buildings one and three, and Alamo Quarters, Ltd. proposes to build a balcony at its building on Lot 11 (Bldg. 2). Dimensions for the new balcony construction are on Exhibit "C."

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/8/2004	4/9/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/8/2004	2/11/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/8/2004	1/30/2004	<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"/>	1/8/2004	2/6/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	1/8/2004	1/21/2004	<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"/>	1/8/2004		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

DOWNTOWN RESIDENTS ASSOCIATION, ATTN: TOM REEDY, 105 S. ST. MARY'S SUITE 1214, 78205 - NO RESPONSE WAS RECEIVED.



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 26, 2004

Alamo Quarters, Ltd.,
c/o Mosher Realty Company, LLC
Attn: Christopher T. Jones, Member
3605 Inwood Rd.
Dallas, Texas 75209

Re: S. P. No. 1139—Request for a License to use Air Space over Losoya Street Public Right of Way for two existing balconies and one balcony to be constructed, adjacent to NCB 145

Dear Mr. Jones:

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 condition:

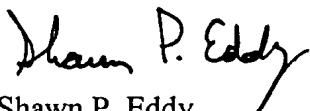
The fee established for this license agreement is \$7,597.00 for a ten (10)-year term. The fee is due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the fee will be returned to the petitioner. Also, a Certificate 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 form is required, and 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 form 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,




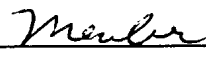
Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONERS

By 
CHRISTOPHER T. JONES
Print Name


Title
5/22/04
Date



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

July 13, 2004

Kboudi Partnership
a Texas general partnership
Attn: David Kboudi, General Partner
14602 Huebner Rd., #122
San Antonio, TX 78230

Re: S. P. No. 1150—Request for a License to use Air Space over Losoya Street Public Right of Way for an existing balcony at 252 Losoya Street adjacent to NCB 145

Dear Mr. Kboudi:

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 condition:

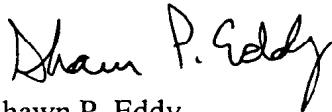
The fee established for this license agreement is \$2,545.00 for a ten (10)-year term. The fee is due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the fee will be returned to the petitioner. Also, a Certificate 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 form is required, and 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 form and the payment we will continue processing your request.*

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Sincerely,




Shawn P. Eddy
Special Projects Manager
Property Disposition Division

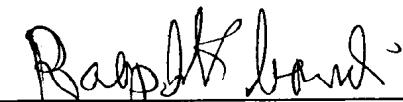
SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

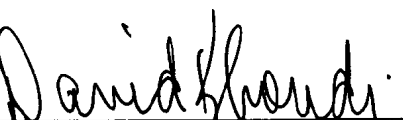
PETITIONERS


By LOUIS KBOUDI
Print Name

PARTNER.
Title 7-15-04
Date


By RALPH KBOUDI
Print Name

PARTNER
Title 7/22/04
Date


By David Kboudi
Print Name

Partner
Title 7/15/04
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:

N/A

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

Alamo Quarters, LTD

and the name of:

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

Ed Zamora

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;

Mosher Realty Company, LLC

Christopher T. Jones

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

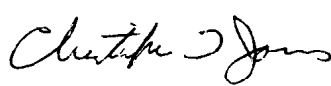
Political Contributions

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		
Signature: 	Title: PARTNER Company: ALAMO QUARTERS, LTD	Date: 5/22/04

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.

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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(1) the identity of any **individual** who would be a party to the discretionary contract:

N/A

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

N/A

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

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: <i>Louis Kboudi</i>	Title: Partner Company: Kboudi Partnership	Date: 7/20/04

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.

City of San Antonio

Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
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N/A

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

N/A

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

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- (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: Ralph K. Koudi	Title: Partner Company: Koudi Partnership	Date: 7/23/04

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.

City of San Antonio
Discretionary Contracts Disclosure*

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Attach additional sheets if space provided is not sufficient.
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(1) the identity of any **individual** who would be a party to the discretionary contract:

N/A

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

N/A

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

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:
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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: David Khoudi	Title: Partner Company: Khoudi Partnership	Date: 7/15/04

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.