

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

CONSENT AGENDA
ITEM NO. **15**

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 30, 2004

SUBJECT: S.P. No. 1171 - Request for a license to use Public Right of Way to install two (2) 3-inch diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to NCBs 16115 and 17246

PETITIONER: CAREMARK, INC., a California Corporation
Attn: ADA Consulting Group, Inc.
12018 Warfield
San Antonio, Texas 78216

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license to CAREMARK, INC., a California Corporation to use Public Right of Way to install two (2) 3-inch diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to NCBs 16115 and 17246, in Council District No. 6, for a ten (10) year term and the consideration of \$10,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license to use Public Right of Way to install two (2) 3-inch diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to NCBs 16115 and 17246 in City Council District No. 6, as shown on Exhibits "A" and "B". The proposed conduits will provide a data connection to the petitioner's commercial offices located on both sides of Alamo Downs Parkway. The proposed conduits will be installed by hydraulic bore at a depth of 24 inches. The conduit to the north is proposed to be 58 linear feet and the conduit to the south is proposed to be 85 linear feet for a total distance of 143 linear feet in the Public Right of Way.

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 \$10,000.00 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

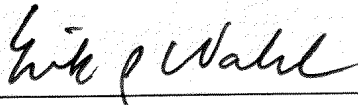
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 9/22/2004.

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

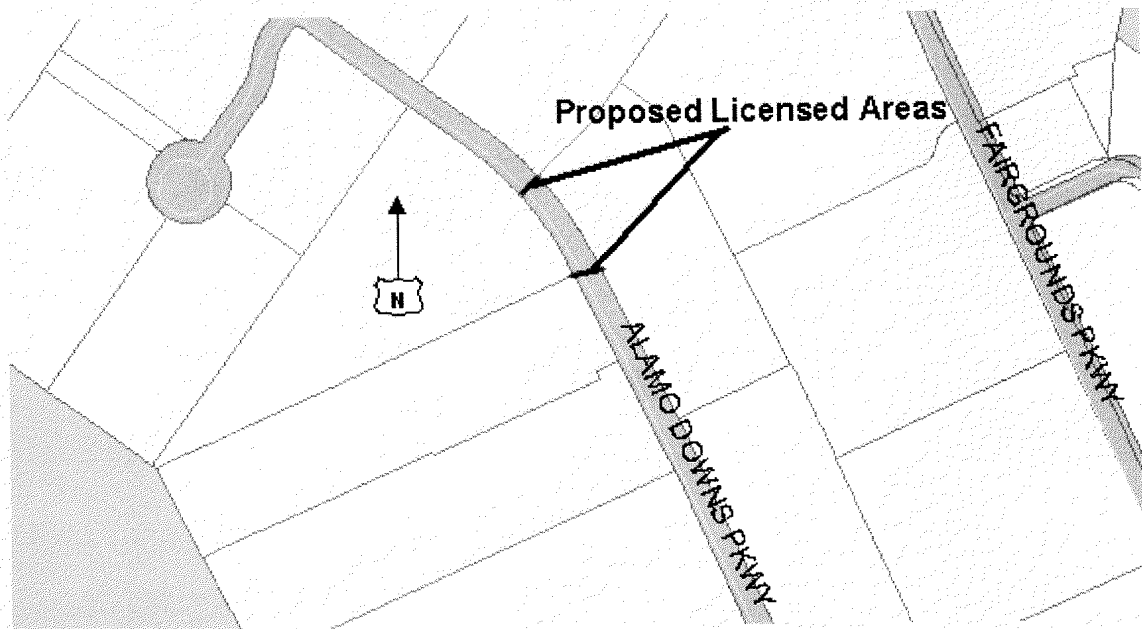


Rebecca Waldman, Director
Department of Asset Management

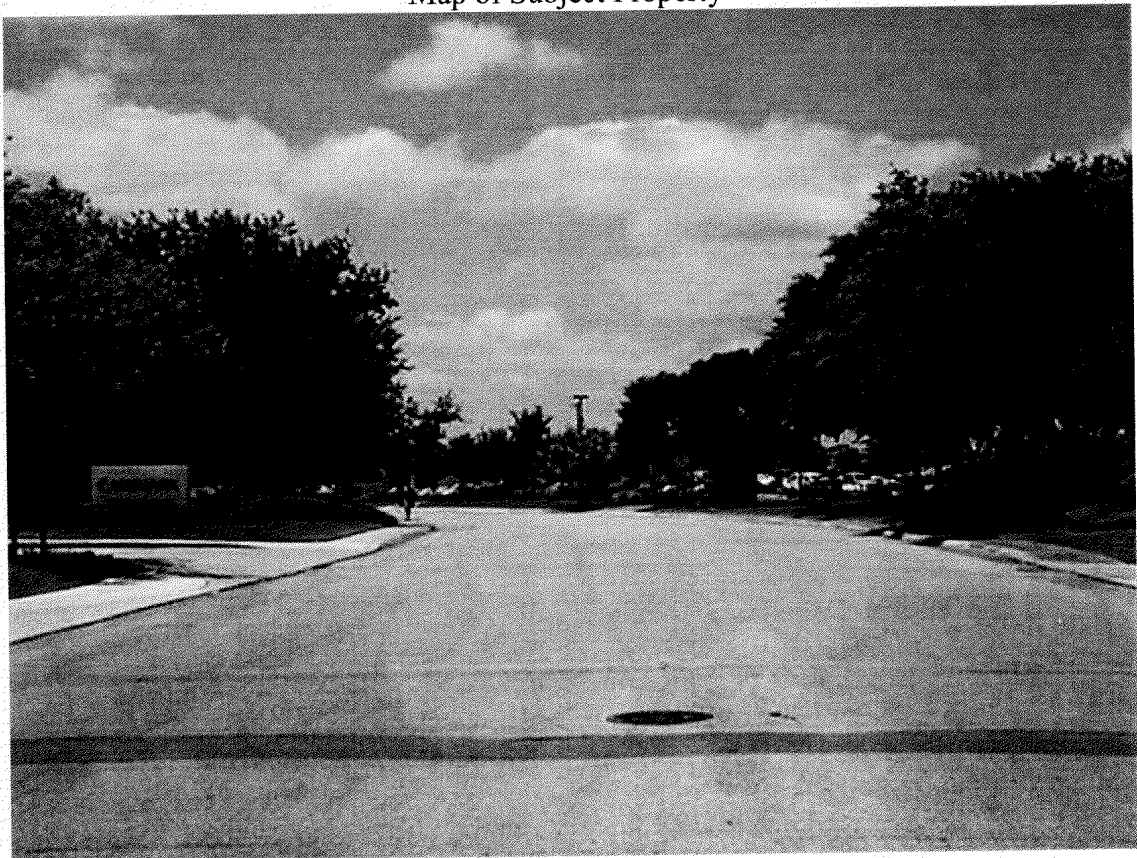
Approved:



Erik J. Walsh
Assistant to the City Manager

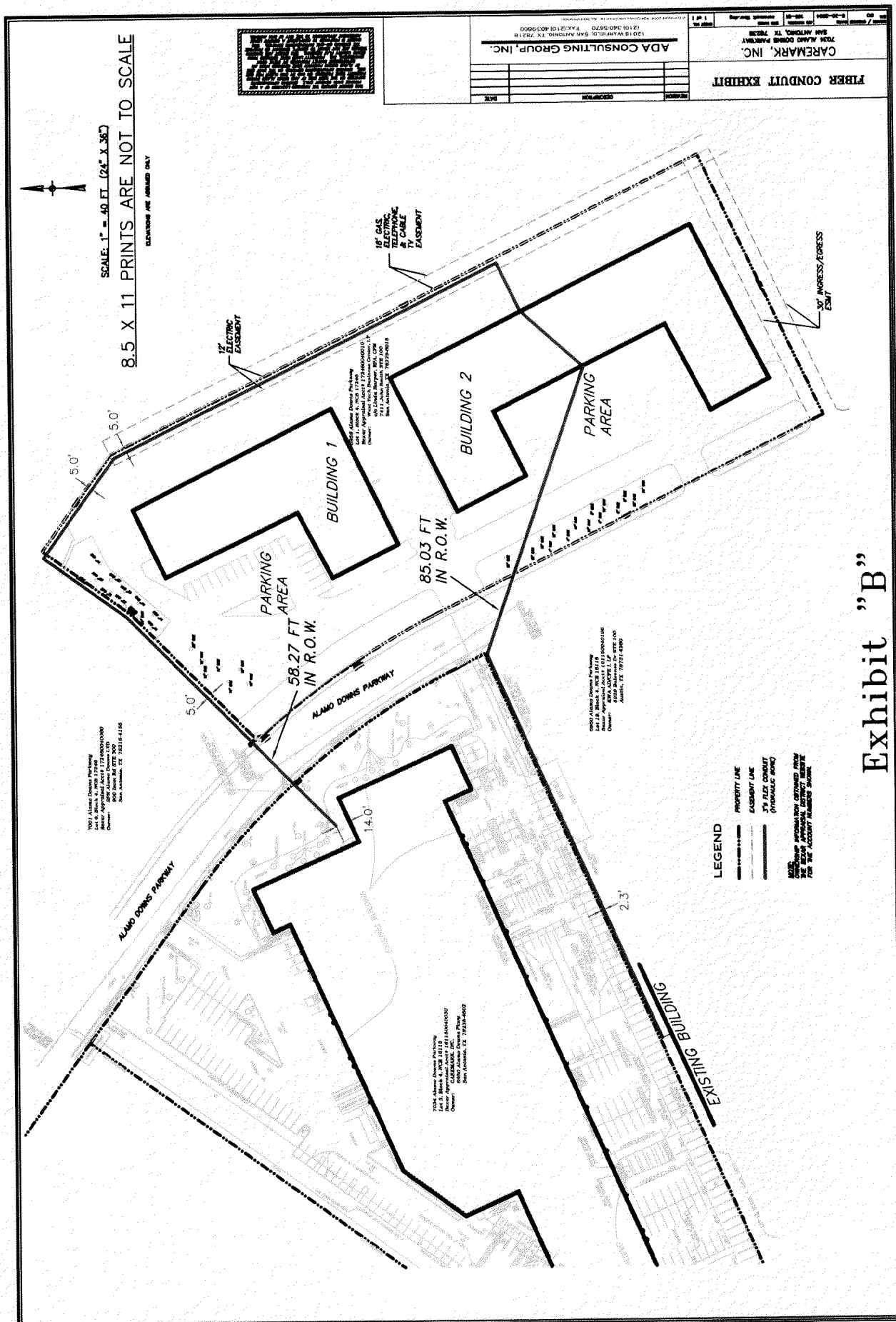


Map of Subject Property



Northerly View of Subject Property

Exhibit "A"



Canvassing Checklist

SPNo **1171**

Request: Petitioner is requesting a license to use Public Right of Way to install two (2) 3-inch diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to NCBs 16115 and 17246 in City Council District No. 6, as shown on Exhibits "A" and "B". The proposed conduits will provide a data connection to the petitioner's commercial offices located on both sides of Alamo Downs Parkway. The proposed conduits will be installed by hydraulic bore at a depth of 24 inches. The conduit to the north is proposed to be 58 linear feet and the conduit to the south is proposed to be 85 linear feet for a total distance of 143 linear feet in the Public Right of Way.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	7/12/2004	7/13/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	7/12/2004	8/2/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	7/12/2004	8/5/2004	<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"/>	7/12/2004	7/29/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	7/12/2004	7/20/2004	<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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

NO REGISTERED 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

September 1, 2004

CAREMARK, INC., a California Corporation
Attn: ADA Consulting Group, Inc.
Donald Oroian, P.E.
12018 Warfield
San Antonio, Texas 78216

Re: S. P. No.1171 — Request for a license to use Public Right of Way to install two (2) 3-inch diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to NCBs 16115 and 17246

Dear Mr. Oroian:

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 client's request subject to the following conditions:

PUBLIC WORKS DEPARTMENT: The Right of Way Division of the Public Works Department must issue a permit for the installation of the two (2) 3-inch diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to NCBs 16115 and 17246 prior to construction.

DEVELOPMENT SERVICES DEPARTMENT: The boring must be sufficient in depth and below any structural component of the pavement.

SAN ANTONIO WATER SYSTEM: Petitioner must agree to reserve a perpetual easement for all existing water and/or water 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. The petitioner must be cautious with the existing sewer manholes, water services and private watering systems when installing the conduits.

CITY PUBLIC SERVICE: The conduits must maintain a minimum of a two (2) foot separation between the outside diameter of the existing four (4) inch plastic gas main located on the east side of Alamo Downs Parkway and the proposed conduits to be installed.

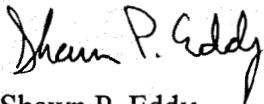
Exhibit "C"
Page 1 of 2

Petitioner agrees to pay the total license fee of \$10,000.00 for a 10-year term, which 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 license fee will be returned to the petitioner.

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 completed Discretionary Contracts Disclosure Statement we will continue processing your request.

This Letter of Agreement is being offered by the City of San Antonio only to the below 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.

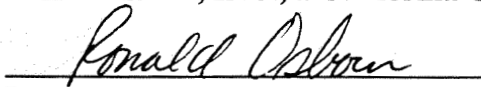
Sincerely,



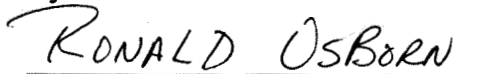
Shawn P. Eddy
Special Projects Manager

AGREED AS TO TERMS AND CONDITIONS:

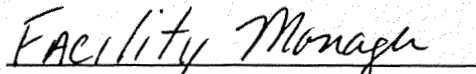
CAREMARK, INC., a California Corporation



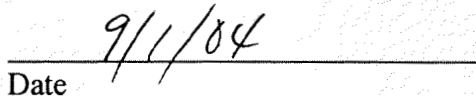
By



Print Name



Title



Date

STATE OF TEXAS
COUNTY OF BEXAR

Subscribed and sworn to before me this 1st day of September, 2004

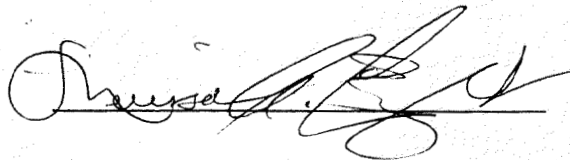
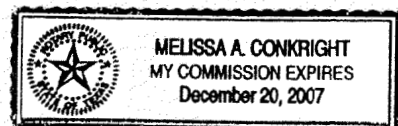


Exhibit "C"
Page 2 of 2



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 entity¹ that would be a party to the discretionary contract:

CAREMARK, 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


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: <i>Facility Manager</i> Company: <i>Caremark</i>	Date: <i>9/1/04</i>

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.