

CITY OF SAN ANTONIO

**DEPARTMENT OF ASSET MANAGEMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

DATE: Thursday, March 24, 2005

SUBJECT: S. P. No. 1185—Request for a license to use Public Rights of Way over Avenue A, Avenue B and 12th Streets along with an alley for the construction of several balconies and overhead passageways

PETITIONER: Villaje Del Rio, Ltd
Attn: George Geis
1121 Broadway
San Antonio, TX 78215

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to Villaje Del Rio, Ltd., a Texas limited partnership to build and maintain six (6) overhead passageways in two locations at floors 2, 3 and 4 over Avenue B; eight (8) overhead passageways in two locations at floors 2, 3, 4 and the roof over the alley within NCB 466; four (4) balconies on the third floor over 12th Street; nine (9) balconies in three locations at floors 2, 3 and 4 over the alley within NCB 466; and twelve (12) balconies in four locations at floors 2, 3 and 4 over Avenue A; all balconies will be 6' 6" wide and will extend 5' from the building; overhead passageways over streets are 56' in length and 6'4" wide, in Council District No. 1, for a ten (10) year term, for which the consideration of \$11,336.00 will be waived in accordance with the 100% reduction provided by the City's Incentive Scorecard Program, passed and approved by City Council on May 29, 2003.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a License to use Public Rights of Way over Avenue A, Avenue B and 12th Streets along with an alley for the construction of several balconies and overhead passageways. These Public Rights of Way are all located adjacent to the petitioner's property in NCBs 466 and 467 as shown on attached Exhibit "A." Petitioner is building two (2) apartment buildings on his properties and proposes to construct six (6) overhead passageways in two locations at floors 2, 3 and 4 over Avenue B; eight (8) overhead passageways in two locations at floors 2, 3, 4 and the roof over the alley within NCB 466; four (4) balconies on the third floor over 12th Street; nine (9) balconies in three locations at floors 2, 3 and 4 over the alley within NCB 466; and twelve (12) balconies in four locations at floors 2, 3 and 4 over Avenue A. All balconies will be 6' 6" wide and will extend 5' from the building. Overhead passageways over streets are 56' in length and 6'4" wide. Overhead passageways over alleys are 17' in length and 6'4" wide.

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 fee established for this license agreement of \$11,336.00 is waived in accordance with the 100% reduction provided by the City's Incentive Scorecard Program.

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.

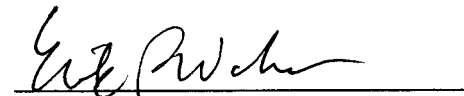
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 3/9/2005.

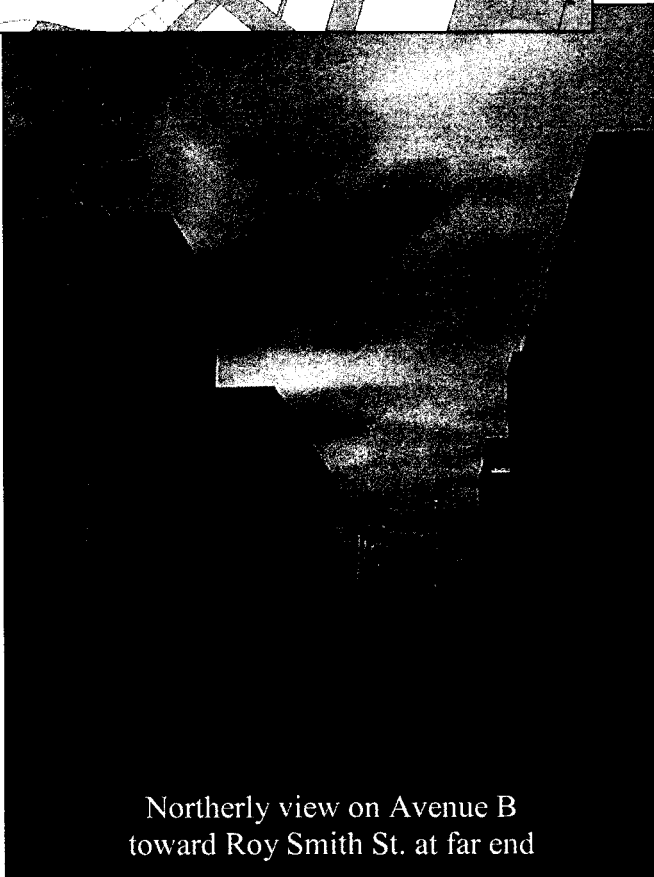
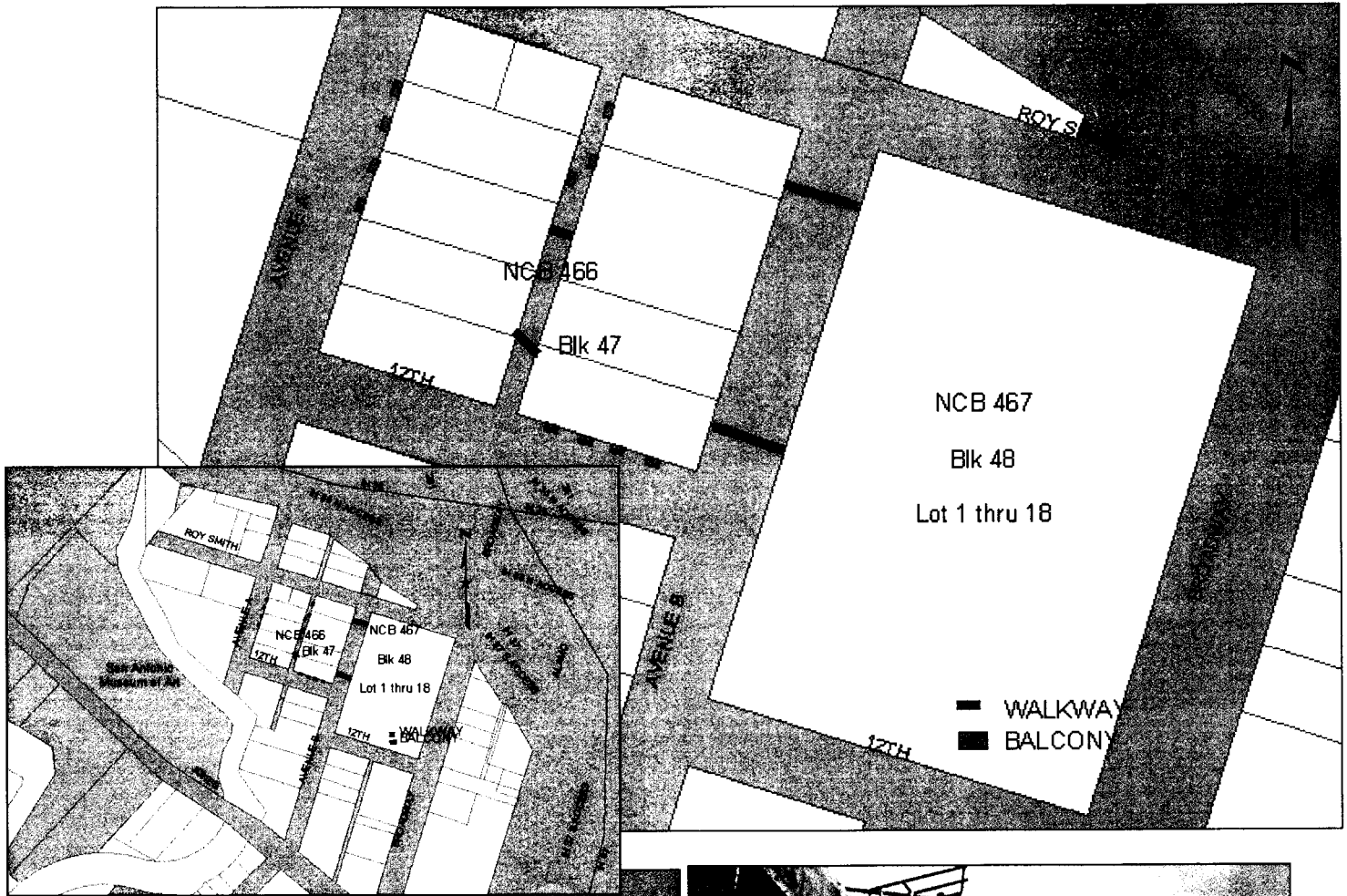
Executed Discretionary Contracts Disclosure form from petitioner(s) is attached.



Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager



Northerly view on Avenue B
toward Roy Smith St. at far end



Easterly view on 12th St.
from Avenue A

Exhibit "A"

Canvassing Checklist

SPNo **1185**

Request: Petitioner is requesting a License to use Public Rights of Way over Avenue A, Avenue B and 12th Streets along with an alley for the construction of several balconies and overhead passageways. These Public Rights of Way are all located adjacent to the petitioner's property in NCBs 466 and 467 as shown on attached Exhibit "A." Petitioner is building two (2) apartment buildings on his properties and proposes to construct six (6) overhead passageways in two locations at floors 2, 3 and 4 over Avenue B; eight (8) overhead passageways in two locations at floors 2, 3, 4 and the roof over the alley within NCB 466; four (4) balconies on the third floor over 12th Street; nine (9) balconies in three locations at floors 2, 3 and 4 over the alley within NCB 466; and twelve (12) balconies in four locations at floors 2, 3 and 4 over Avenue A. All balconies will be 6' 6" wide and will extend 5' from the building. Overhead passageways over streets are 56' in length and 6'4" wide. Overhead passageways over alleys are 17' in length and 6'4" wide.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	12/7/2004	12/29/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	12/7/2004	2/10/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	12/7/2004	1/13/2005	<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"/>	12/7/2004	2/1/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	12/7/2004	1/3/2005	<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

February 17, 2005

Village Del Rio, Ltd.
Attn: George Geis
1121 Broadway
San Antonio, Texas 78215

Re: S. P. No. 1185—Request for a License to use Public Rights of Way over Avenue A, Avenue B and 12th Streets along with an alley for the construction of several balconies and overhead passageways adjacent to NCBs 466 and 467

Dear Mr. Geis:

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:

SAN ANTONIO WATER SYSTEM

Approved provided perpetual easements are reserved for all existing water and/or sewer facilities and petitioners must allow access to any such utilities for inspection, operational and maintenance purposes.

The fee established for this license agreement is \$11,336.00 for a 10-year term; which has been waived in accordance with the 100% reduction provided under the Scorecard Incentive Program.

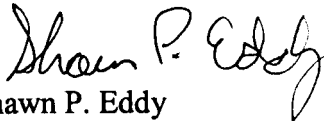
Before we can ask the City Council to consider approving your license, you must deliver to us certificates showing you have the insurance required by the License Agreement.

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, 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, 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,

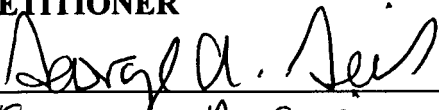


Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER


By George A. Geis
Print Name

Manager
Title
2/22/5
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:

George A. Geis

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

Village del Rio, Ltd.

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;

None

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:
Phil Hardberger	\$1,000 -	11/29/04

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: George A. Seis	Title: Sole General Partner Company: Village Management, L.L.C.	Date: 2/20/05

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.