

CONSENT AGENDA
ITEM NO. 17

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, January 19, 2006

SUBJECT: S.P. No. 1191 - Request for a license to use East Crockett and Losoya Streets
Public Rights of Way adjacent to NCB 914

PETITIONER: Rainforest Café; c/o Landry's Restaurants, Inc.
Attn: Barney L. Stagner, Jr., Staff Counsel
1510 West Loop South
Houston, TX 77027

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license to use Public Rights of Way on, over and under East Crockett and Losoya Streets for numerous encroachments at the adjacent newly redeveloped Rainforest Café at 110 East Crockett Street in NCB 914 in Council District No.1, for a 25-year term and the consideration of \$52,792.50.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license to use East Crockett and Losoya Streets Public Rights of Way adjacent to NCB 914 as shown on attached Exhibit "A." Petitioner plans to develop the property at 110 East Crockett Street and open the Rainforest Café. Development plans entail numerous encroachments on, over and under the Rights of Way; which are listed and detailed on attached Exhibit "B", Pages 1 through 5. The petitioner is working directly with the Parks and Recreation Department to lease the space over the Riverwalk for new signage, a ramp, a patio and fence with lighting as well as the tables and chairs within the patio, and an existing tenant landing.

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 \$52,792.50 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 1/11/2006.

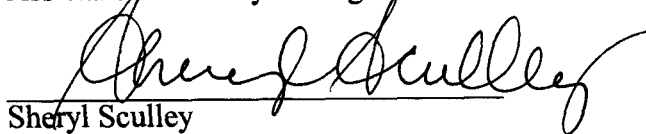
Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.



Rebecca Waldman, Director
Department of Asset Management



Erik J. Walsh
Assistant to the City Manager



Sheryl Sculley
City Manager

Canvassing Checklist

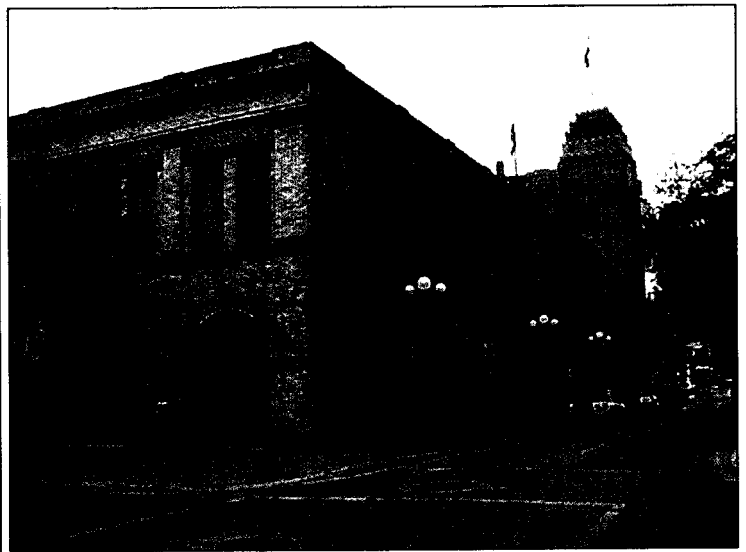
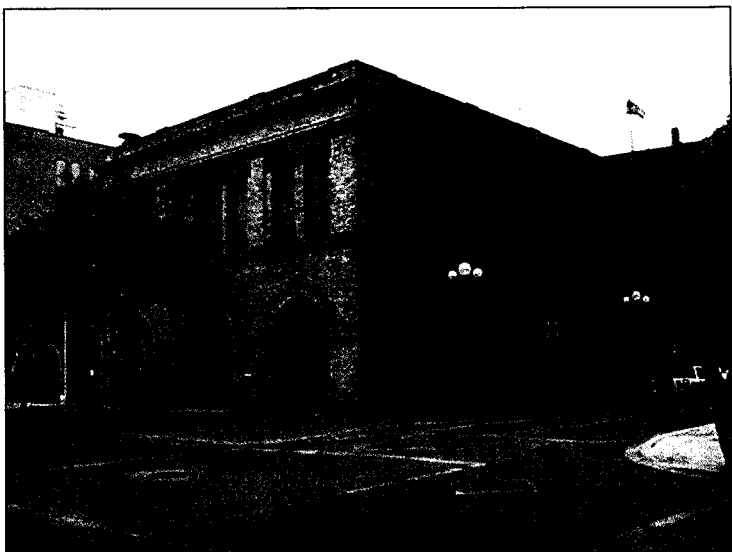
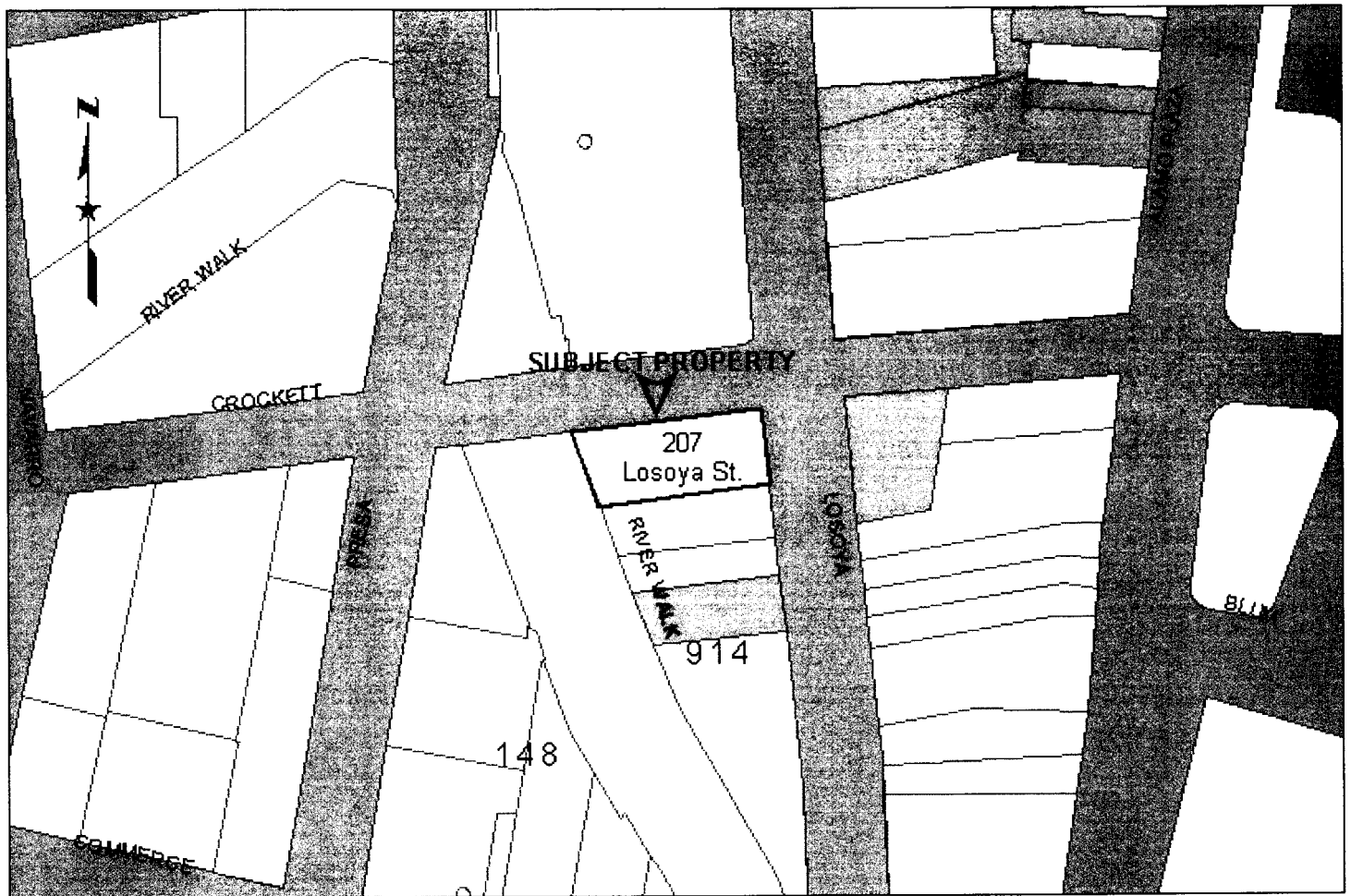
SPNo **1191**

Request: Petitioner is requesting a license to use East Crockett and Losoya Streets Public Rights of Way adjacent to NCB 914 as shown on attached Exhibit "A." Petitioner plans to develop the property at 110 East Crockett Street and open the Rainforest Café. Development plans entail numerous encroachments on, over and under the Rights of Way; which are listed and detailed on attached Exhibit "B", Pages 1 through 5.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	2/14/2005	3/4/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	2/14/2005	4/27/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	2/14/2005	4/11/2005	<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 checked="" type="checkbox"/>	5/11/2005	5/23/2005	<input checked="" 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"/>	2/14/2005	3/9/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	2/14/2005	3/10/2005	<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 checked="" type="checkbox"/>	2/14/2005		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

DOWNTOWN RESIDENTS ASSN, ATTN: TOM REEDY, 105 S. ST. MARY'S, STE 1214, 78205 - NO RESPONSE RECEIVED.



View of northeast corner of subject property

Exhibit "A"

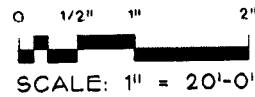
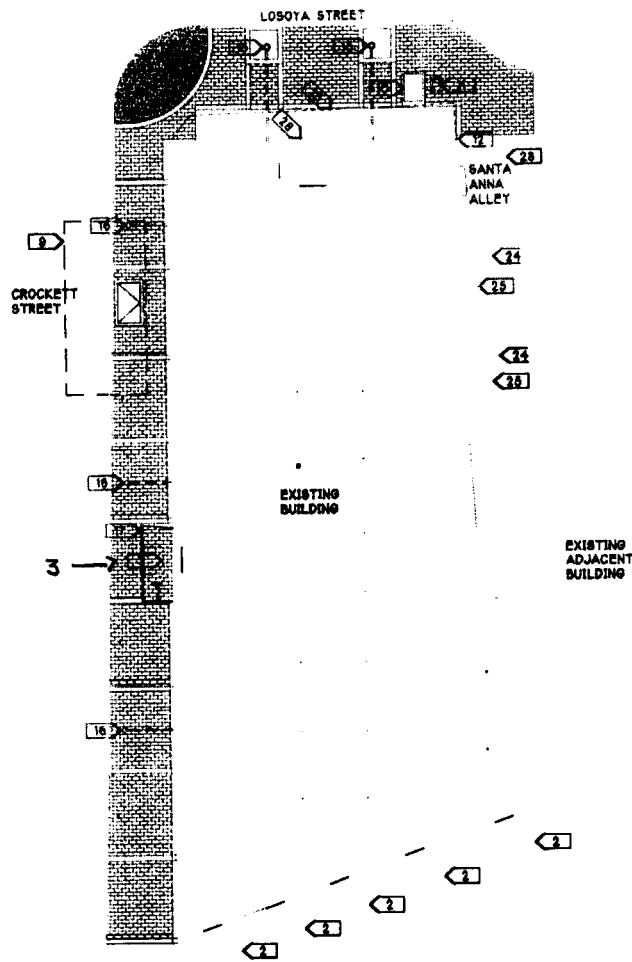
S. P. No. 1191

Petitioner: Landry's Restaurants, Inc.

Exhibit B

	Key No.*	Description of Licensed Items
1.	1	Existing fire escape (5' X 33')
2.	2	Five existing balconies (7' X 4')
3.	3	Existing door swing area (12.5 square feet)
4.	12	Existing hose bib
5.	14	Existing street lights
6.	15	New exterior lighting within trees
7.	16	New conduits for street lights
8.	17	New sloped sidewalk, with metal rail and landing
9.	18	Two new signs below balcony (10'9" X 6'4" X 30")
10.	19	Existing balcony (7' X 3"0) (sign below)
11.	20	Existing balcony (11'4" X 4'6") (sign below)
12.	21	Existing door swing area (18.25 square feet)
13.	22	Existing cornice on exterior wall
14.	23	Existing basement below public right-of-way (50'6" X 6'6")
15.	24	Existing planter box (40 square feet)
16.	25	Existing planter box (28 square feet)
17.	26	Existing door swing area (2.5 square feet)
18.	28	Existing metal gates

* The key number ties into the succeeding sheets showing pictures of the features' locations.



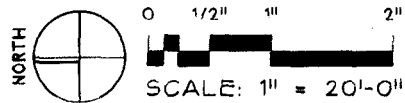
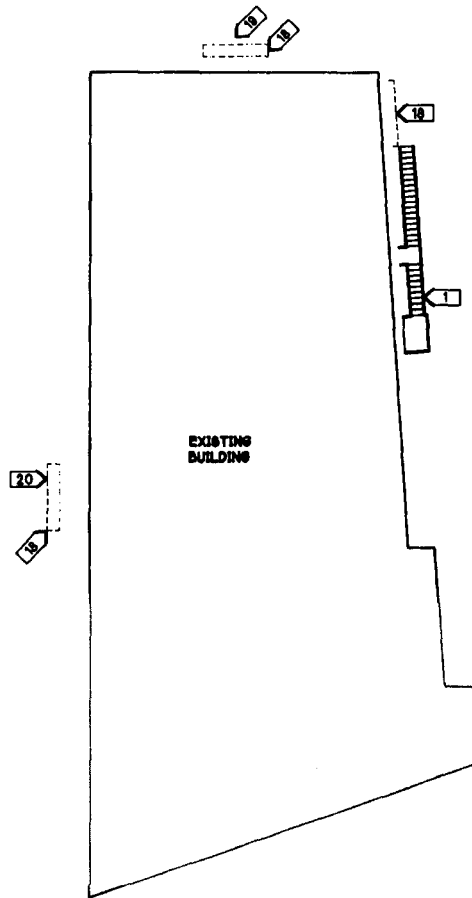
SCALE: 1" = 20'-0"

RAINFOREST CAFE - SAN ANTONIO

ASSESSMENT SUBMITTAL

FIRST LEVEL (STREET LEVEL)

04.31.05

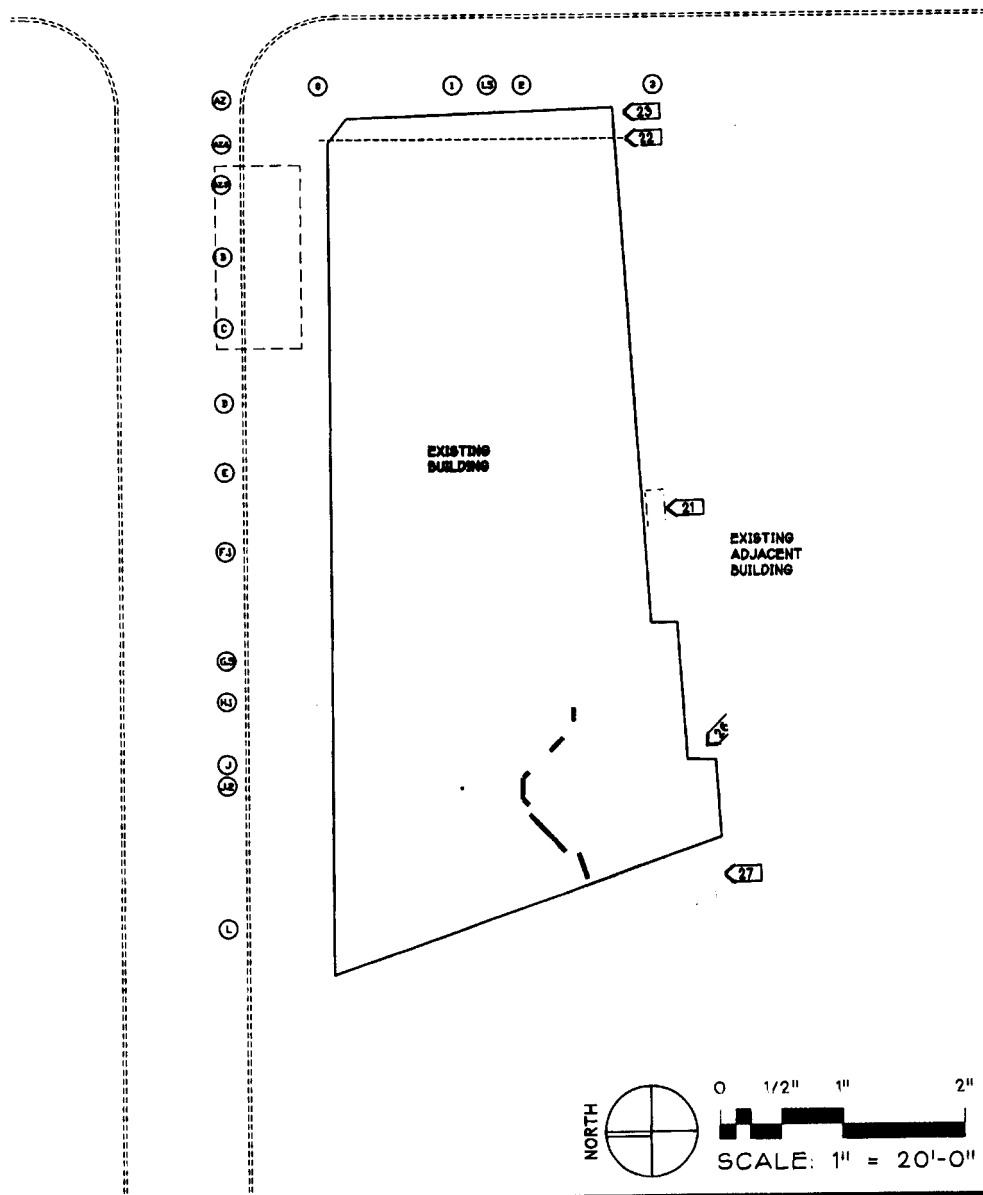


RAINFOREST CAFE - SAN ANTONIO

ASSESSMENT SUBMITTAL

SECOND LEVEL

04.04.08



RAINFOREST CAFE - SAN ANTONIO

BASEMENT LEVEL (BELOW STREET LEVEL)

ASSESSMENT SUBMITTAL

04.09.08



CITY OF SAN ANTONIO

October 13, 2005

DEPARTMENT OF ASSET MANAGEMENT
P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966
TEL. 210-207-4032 FAX 210-207-7888

Reinforest Cole
Landry's Restaurants, Inc. *JL*
Attn: ~~Jeff Cantwell, Sr. VP of Dev~~ *General Counsel*
c/o Barney L. Stagner, Jr.
Staff Counsel
1510 West Loop South
Houston, TX 77027

Re: S. P. No. 1191—Request for a License to use Public Rights of Way over and under Crockett and Losoya Streets and an alley for an existing basement, seven (7) balconies, two (2) planter boxes, a fire escape, a cornice, two (2) new signs, etc. at 110 East Crockett Street in NCB 914

Dear Mr. Stagner:

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:

PLANNING DEPARTMENT

Approved provided new sidewalks match existing sidewalks.

PUBLIC WORKS DEPARTMENT

Approved provided that the proposed construction of the ramp and landing on the north side (Crockett St.) of the building meet City of San Antonio (COSA) accessibility manual requirements and American Disabilities Act (ADA) standards; the proposed signs that are to be placed below existing balconies must allow for pedestrian protected zone as per ADA standards; and patio improvements must meet COSA accessibility requirements and ADA standards.

DEVELOPMENT SERVICES DEPARTMENT

Approved provided all sidewalk modifications comply with COSA and ADA standards; and new sidewalk lighting is compatible with existing streetlights.

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.

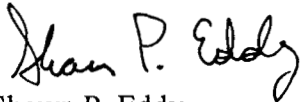
Landry's Restaurants, Inc.
Attn: Jeff Cantwell, Sr. VP of Dev.
c/o Barney L. Stagner, Jr.
Staff Counsel
S.P. 1191 / October 13, 2005

The fee established for this license agreement is \$52,792.50 for a 25-year term. The City of San Antonio must be formally released from any and all liabilities, which may be incurred in connection with this request, and a Certificate of Insurance must be provided along with a fully completed and signed Discretionary Contracts Disclosure form which is 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 Certificate of Insurance, the Discretionary Contracts Disclosure form and the fee 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

Rainforest Cafe, Inc.

By

Steven L. Schemm

Print Name

Title

Date

Vice President

12-8-05

LEGAL



City of San Antonio Discretionary Contracts Disclosure

For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.

(1) Identify any individual or business entity¹ that is a **party** to the discretionary contract:

Rainforest Cafe, Inc.

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☐ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

Landry's Restaurants, Inc. (Parent)

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☐ No subcontractor(s); or

List subcontractors:

Not Applicable

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☐ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

Not Applicable

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. A sole proprietor should list the name of the individual and the d/b/a, if any.

(5) Political Contributions

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):



No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Please see attached Exhibit A.			

(6) Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

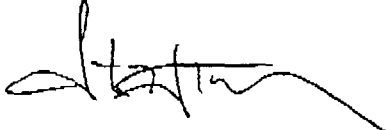


Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

None

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

Signature: 	Title: Vice President Company or D/B/A: Rainforest Cafe, Inc.	Date: 12/13/05
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LEGAL 

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
Exhibit "A"**

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Landry's Political Action Committee	Ed Garza Campaign 2004	\$1,000.00	06/01/04
Landry's Political Action Committee	Chip Haas Campaign	\$ 500.00	06/07/04
Landry's Political Action Committee	Art Hall for City Council Campaign	\$ 250.00	03/11/05
Landry's Political Action Committee	In-Kind for Julian Castro Campaign	\$ 728.40	04/28/05
Landry's Political Action Committee	In-Kind for Ed Garza Campaign	\$ 287.32	05/19/05
Landry's Political Action Committee	In-Kind for Noel Suniga and Ray Lopez - Split 50/50	\$ 272.88	06/09/05
Landry's Political Action Committee	Chip Haas Campaign	\$ 500.00	10/18/05