

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

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**TO:** Sheryl Sculley, City Manager

**FROM:** Shawn P. Eddy, Interim Director of Asset Management

**DATE:** March 2, 2006

**SUBJECT:** S.P. No. 1102 - Request for a License to use Air Space over East Commerce Street Public Right of Way for the façade at the Watermark Hotel at 212 West Crockett Street; and for the assignment of a License for parking spaces at the Houston Street Garage

**PETITIONER:** Riverwalk Hotel and Spa Corporation  
c/o Fulbright & Jaworski L.L.P.  
300 Convent St., Suite 2200  
San Antonio, TX 78205-3792

**SUMMARY AND RECOMMENDATIONS**

This Ordinance will rescind Ordinance No. 98434, passed and approved on November 13, 2003 approving a previous license agreement for La Mansion Hotels, Ltd. and will authorize a License with Riverwalk Hotel and Spa Corporation for the use of air space over East Commerce Street Public Right of Way for the existing façade consisting of parapets, cornices and other architectural features at the Watermark Hotel, located at 212 West Crockett Street, for a ten (10) year term and the consideration of \$5,000, and authorize the assignment of a License for 125 parking spaces at the Houston Street Garage located at 240 East Houston Street, for the remainder of the original twenty-five (25) year term which commenced on February 1, 2004, for the consideration of \$1,000, with both structures being within Council District 1.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

Petitioner is requesting to use air space over East Commerce Street Public Right of Way for the Watermark Hotel located at 212 West Crockett Street located between St. Mary's and Navarro Streets as shown on attached Exhibit "A." The original façade collapsed in December 2002 and was reconstructed in accordance with plans and specifications previously submitted to the Planning Department, and in compliance with specific requirements of the City's Historic and Design Review Commission. The license was initially granted to La Mansion Hotels, Ltd., which is in the process of selling the property to Riverwalk Hotel and Spa Corporation with the closing scheduled to take place on March 16, 2006. This change of ownership has prompted this license agreement as well as assignment of a license for 125 parking spaces at the Houston Street Garage at 240 E. Houston Street.

**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**

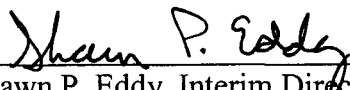
The City will collect \$5,000.00 for this license to use Public Right of Way and a \$1,000 assignment fee.


**COORDINATION**

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies.

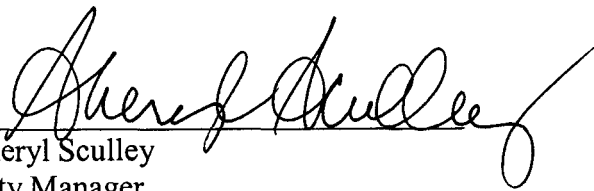
**SUPPLEMENTARY COMMENTS**

Executed Discretionary Contracts Disclosure Statements from petitioner are attached.

  
Shawn P. Eddy, Interim Director  
Department of Asset Management

  
Erik J. Walsh  
Assistant City Manager

Approved for Council Consideration:

  
Sheryl Sculley  
City Manager

**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**<sup>1</sup> that would be a party to the discretionary contract:

Riverwalk Hotel and Spa Corporation

**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;

OHO Corporation, Omni Hotels Corporation, TRT Development Company  
and TRT Holdings, Inc.

<sup>1</sup> 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

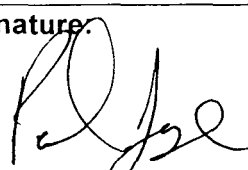
### Political Contributions

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 question<sup>2</sup> 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: <i>Authorized Representative</i> Company: <i>Riverwalk Hotel and Spa Corporation</i>	Date: <i>2/13/06</i>

<sup>2</sup> 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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(1) the identity of any **individual** who would be a party to the discretionary contract:

None

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

Omni La Mansion Corporation

**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;

OHO Corporation, Omni Hotels Corporation, TRT Development Company  
and TRT Holdings, Inc.

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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.

None


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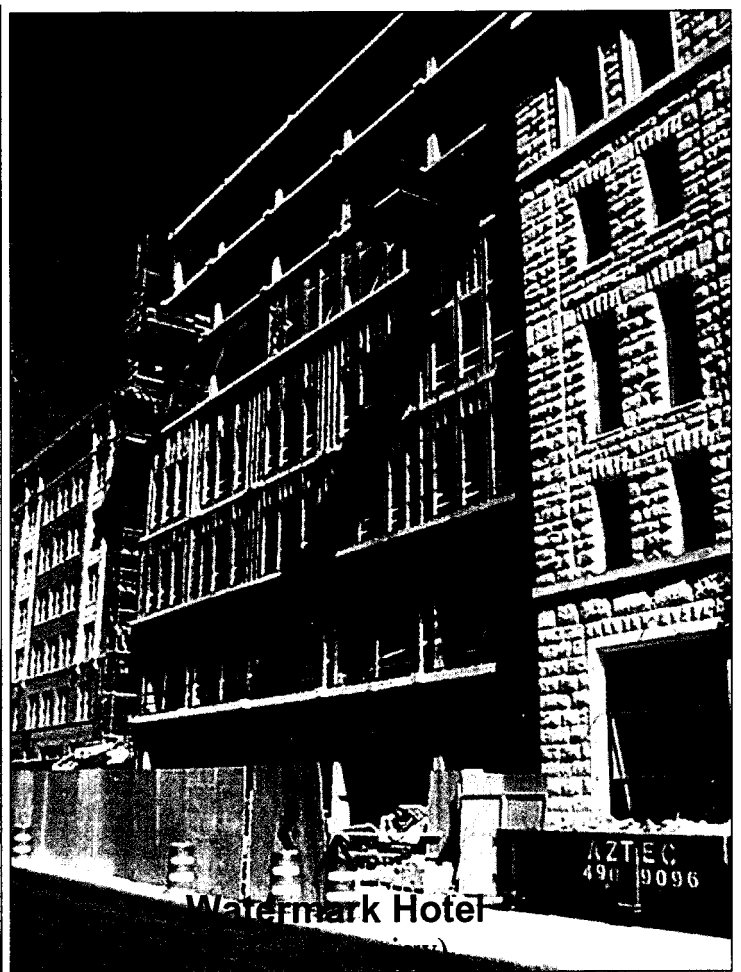
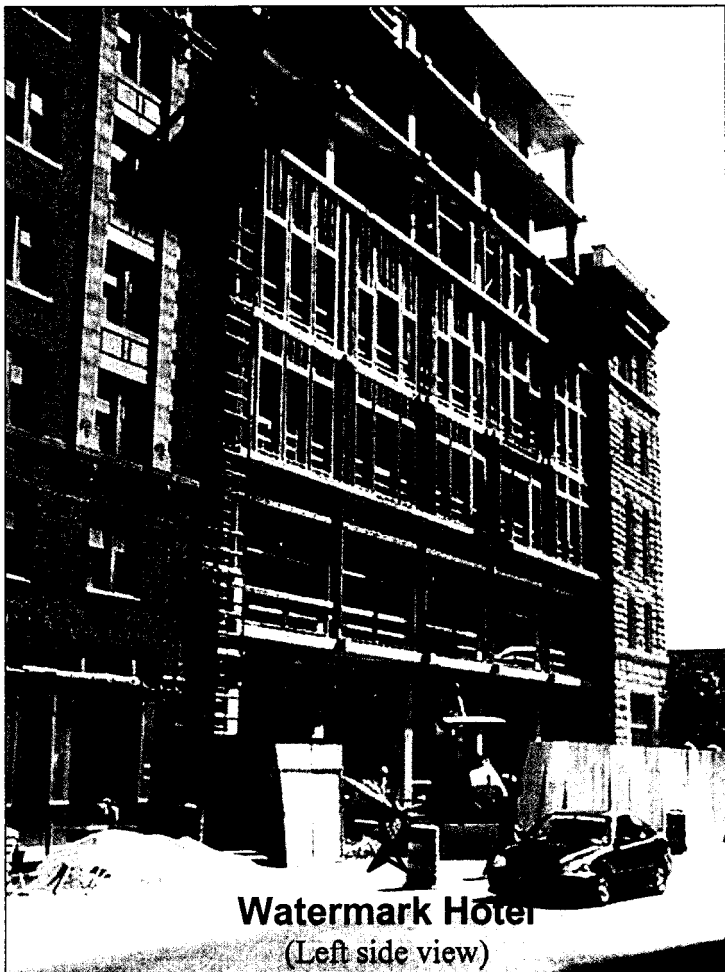
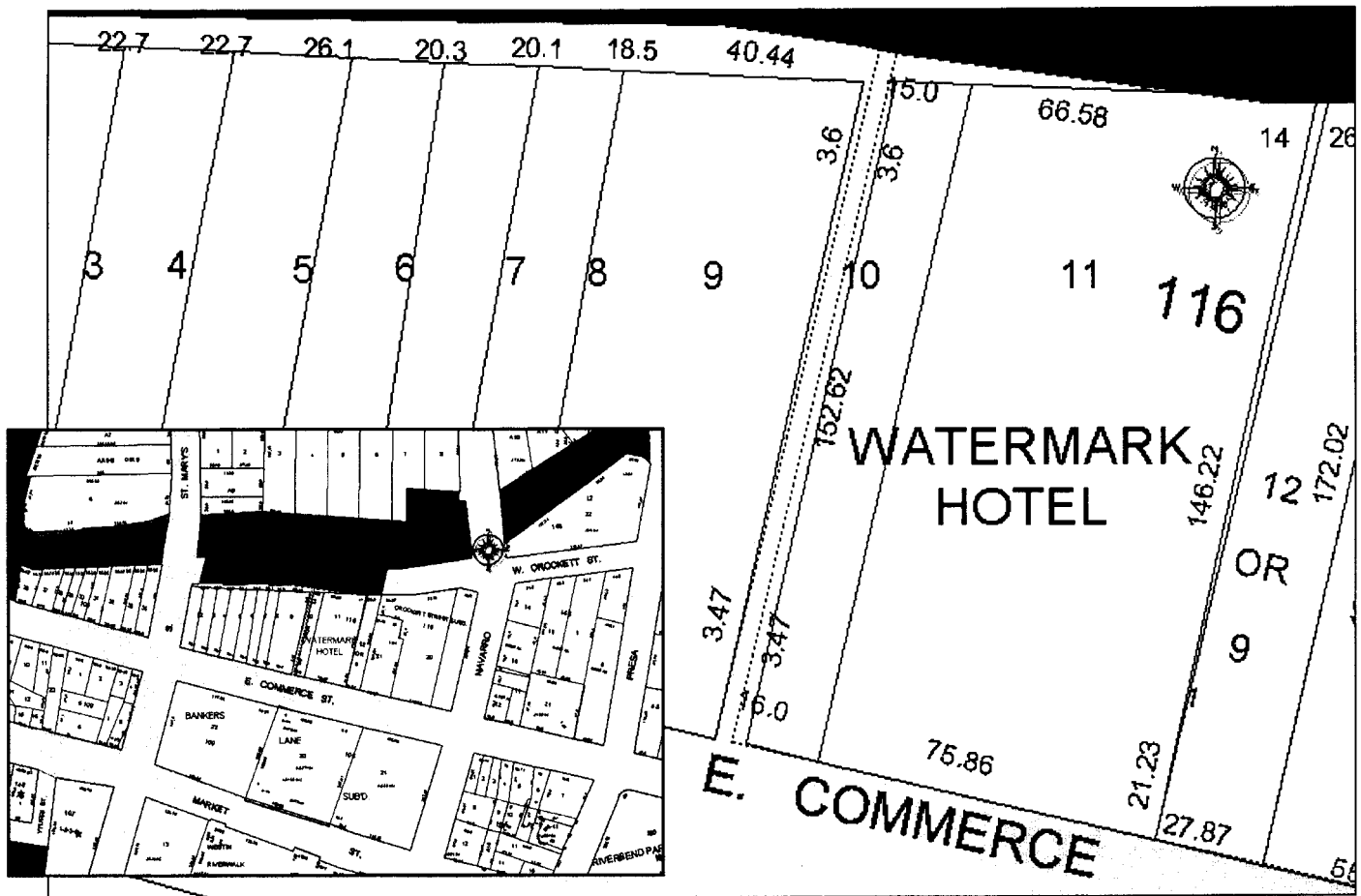
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None		
Signature: 	Title: <i>Authorized Representative</i> Company: <i>Omni-La Mansion Corporation</i>	Date: <i>2/13/06</i>

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**Exhibit "A"**