

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

TO: Sheryl Sculley, City Manager

FROM: Shawn P. Eddy, Interim Director of Asset Management and Thomas G. Wendorf, P.E., Director of Public Works

DATE: April 20, 2006

SUBJECT: S. P. No. 1243—Request for a license to use Public Right of Way over and under North Saint Mary's Street Public Right of Way for new balconies and an existing basement adjacent to NCB 404

PETITIONER: NSHE TX Gainesville, LLC
c/o Finvarb Group
Attn: Richard Finvarb
9425 Harding Avenue
Surfside, FL 33154

SUMMARY AND RECOMMENDATIONS

This Ordinance will grant a license agreement to NSHE TX Gainesville, LLC, a Texas limited liability company, to construct, use and maintain 14 new balconies and an existing basement over and under North Saint Mary's Street Public Right of Way located adjacent to the new Marriott Courtyard Riverwalk Hotel at 207 N. St. Mary's St. in NCB 404, in Council District No. 1, for a ten (10) year term and the total consideration of \$10,000.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license to use Public Right of Way over and under North Saint Mary's Street Public Right of Way for new balconies and an existing basement adjacent to the new Marriott Courtyard Riverwalk Hotel in NCB 404 as shown on attached Exhibit "A." The existing building was the location of the old St. Mary's School, which is to be demolished in 2006 and construction of the new hotel will begin thereafter. The hotel will be a sixteen story high-rise with a balcony at each floor from the third through the top floor over North Saint Mary's Street. All fourteen balconies are to be identical and will measure 11 feet 2 inches by 3 feet 3 inches. Also, there is an existing underground utility vault that measures approximately 12 feet by 30 feet beneath the street; however, a new utility vault is to be constructed in order to comply with City Public Service requirements.

In consultation with Pape-Dawson Engineers, Inc., City staff has developed a basic understanding of the impact on downtown traffic patterns and flow that would be created by the new hotel. A briefing will be provided to the City Council to include recommendations based on preliminary findings.

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 is attached for review.

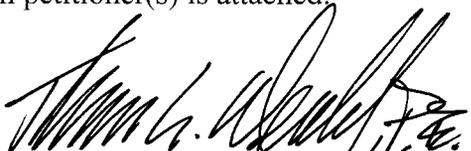
SUPPLEMENTARY COMMENTS

The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 2/22/2006. This item was postponed by City Council at the meeting of April 6, 2006 in order to allow for the preparation and presentation of a traffic impact study of the proposed development.

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



Shawn P. Eddy, Interim Director
Department of Asset Management



Thomas G. Wendorf, P.E.
Department of Public Works



Erik J. Walsh
Assistant City Manager



FOR Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

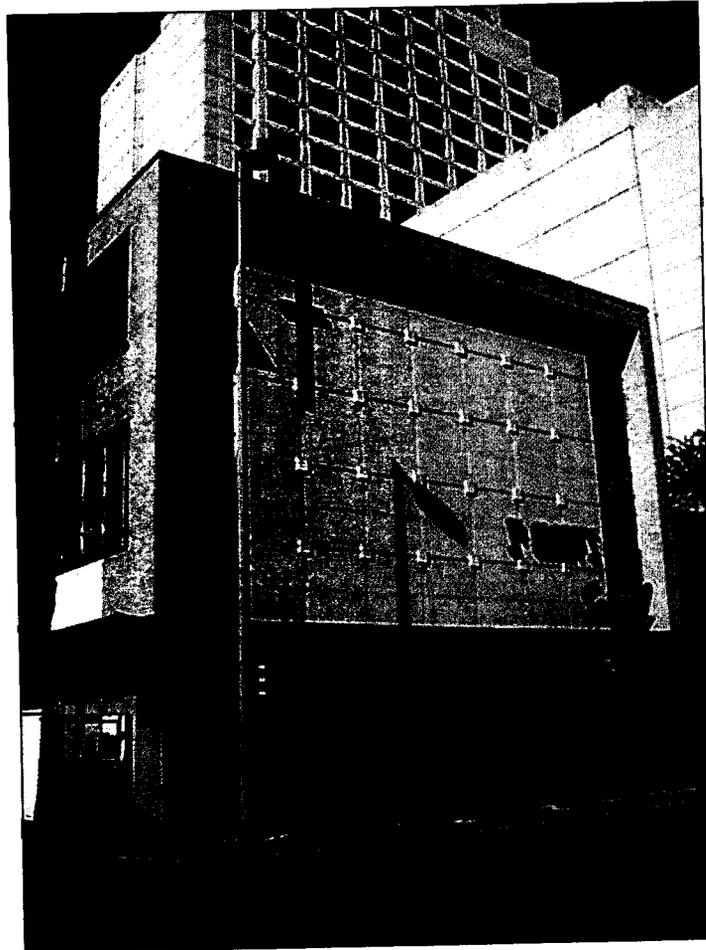
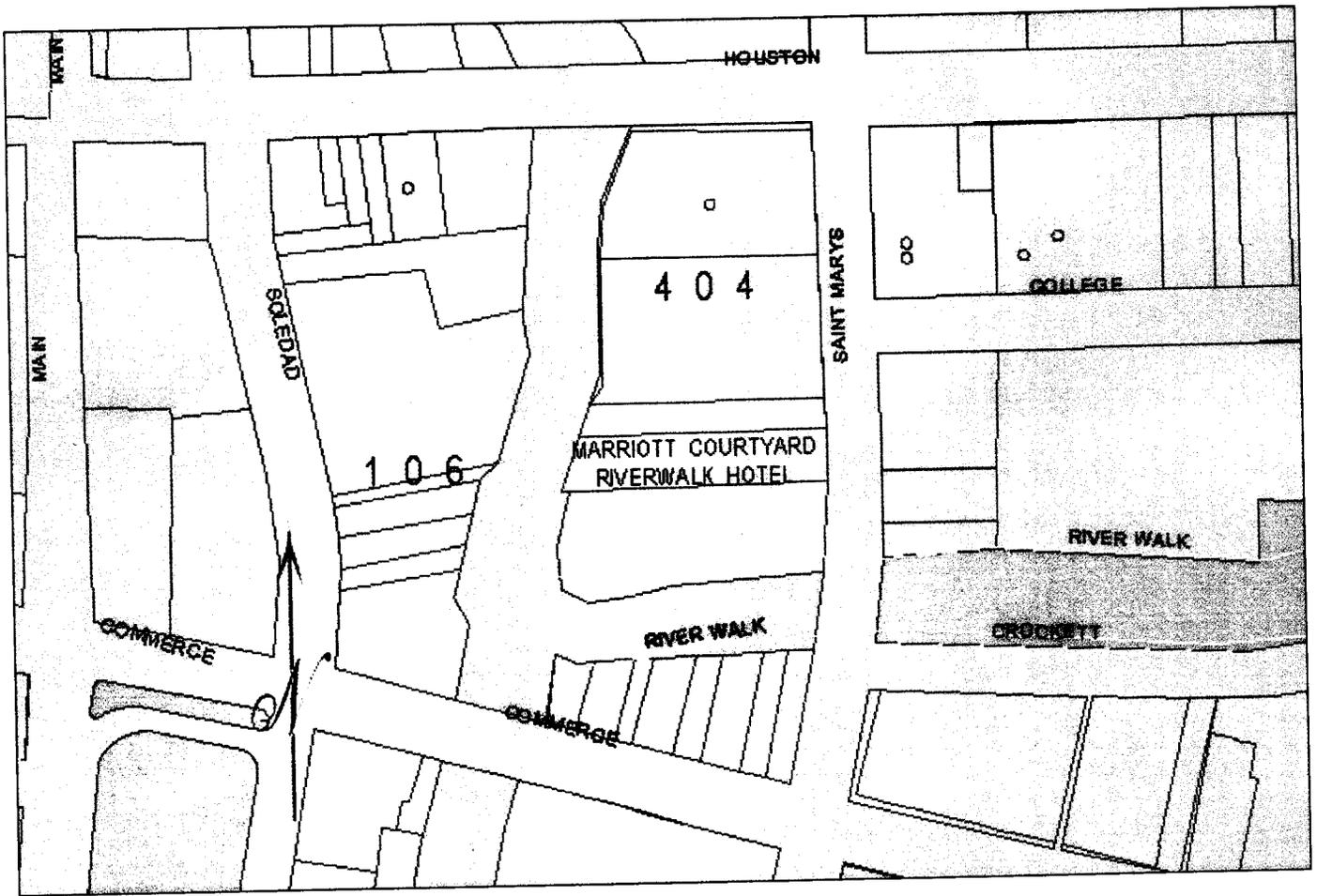


Exhibit "A"

Canvassing Checklist

SPNo 1243

Request: Petitioner is requesting a license to use Public Right of Way over and under North Saint Mary's Street Public Right of Way for new balconies and an existing basement adjacent to the new Marriott Courtyard Riverwalk Hotel in NCB 404 as shown on attached Exhibit "A." The existing building was the location of the old St. Mary's School, which is to be demolished in 2006 and construction of the new hotel will begin thereafter. The hotel will be a sixteen story highrise with a balcony at each floor from the third through the top floor over North Saint Mary's Street. All fourteen balconies are to be identical and will measure 11 feet 2 inches by 3 feet 3 inches. Also, there is an existing underground utility vault that measures approximately 12 feet by 30 feet beneath the street; however, a new utility vault is to be constructed in order to comply with City Public Service requirements.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	12/14/2005	1/26/2006	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	12/14/2005	12/21/2005	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	12/14/2005	1/31/2006	<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"/>	12/7/2005	1/19/2006	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	12/7/2005	12/15/2005	<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"/>	12/7/2005		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

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

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**¹ that would be a party to the discretionary contract:

NSHE TX Gainesville, LLC

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.

Jane H. Macon

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	None	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.

<p>Signature: </p>	<p>Title: <i>Manager</i> <i>1410 S.B.Pt., LLC</i> Company: <i>as agent for</i> <i>NSHE TX Gainesville, LLC</i> <i>(cont)</i></p>	<p>Date: <i>2/8/06</i></p>

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.