

Agenda item # 19
(B)

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

TO: Sheryl Sculley, City Manager
FROM: Shawn P. Eddy, Interim Director, Department of Asset Management
DATE: Thursday, June 1, 2006
SUBJECT: S. P. No. 898—Request for a License to use portions of Soledad and Martin Streets Public Rights of Way for two (2) existing pedestrian tunnels

PETITIONER: HEI San Antonio Hotel LP
c/o The Francis Law Firm
Attn: W. Bebb Francis, III
112 E. Pecan St., Suite 900
San Antonio, TX 78205-1517

SUMMARY AND RECOMMENDATIONS

An Ordinance authorizing a license to HEI San Antonio Hotel LP for continued use of two pedestrian tunnels, one under Soledad Street between the Crowne Plaza Hotel, 111 East Pecan, and the Broadway National Bank, 425 Soledad, and the other under Martin Street between the bank and its parking garage, in NCBs 139 and 140, in District 1, for a 10 year term for a \$30,671.00 fee, the transaction contingent on the closing of the sale of the Crowne Plaza Hotel.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license agreement to use portions of Soledad and Martin Streets Public Rights of Way for two (2) existing pedestrian tunnels as shown on attached Exhibit "A." Petitioner has entered into a purchase and sale agreement in which the seller has agreed to sell the property serviced by the tunnels, which are the Crowne Plaza Hotel and the Broadway National Bank along with its parking garage. The seller, MSPA Acquisition II, L.P. was previously granted a license by Ordinance No. 98625, passed and approved December 18, 2003.

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

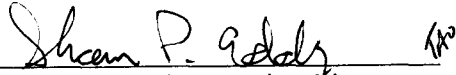
The City will collect \$30,671.00 for this license to use Public Right of Way.

COORDINATION

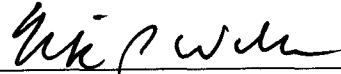
In compliance with City procedures, this request has been canvassed through interested City departments.

SUPPLEMENTARY COMMENTS

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

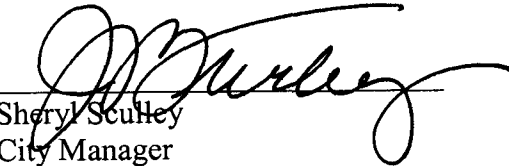


Shawn P. Eddy, Interim Director
Department of Asset Management

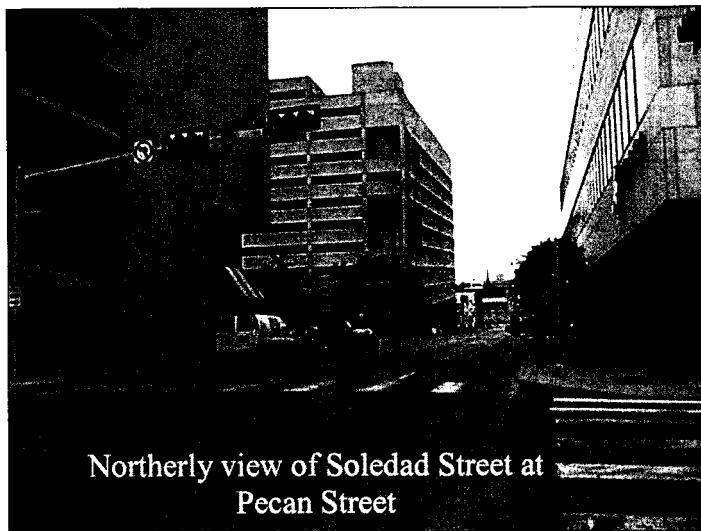
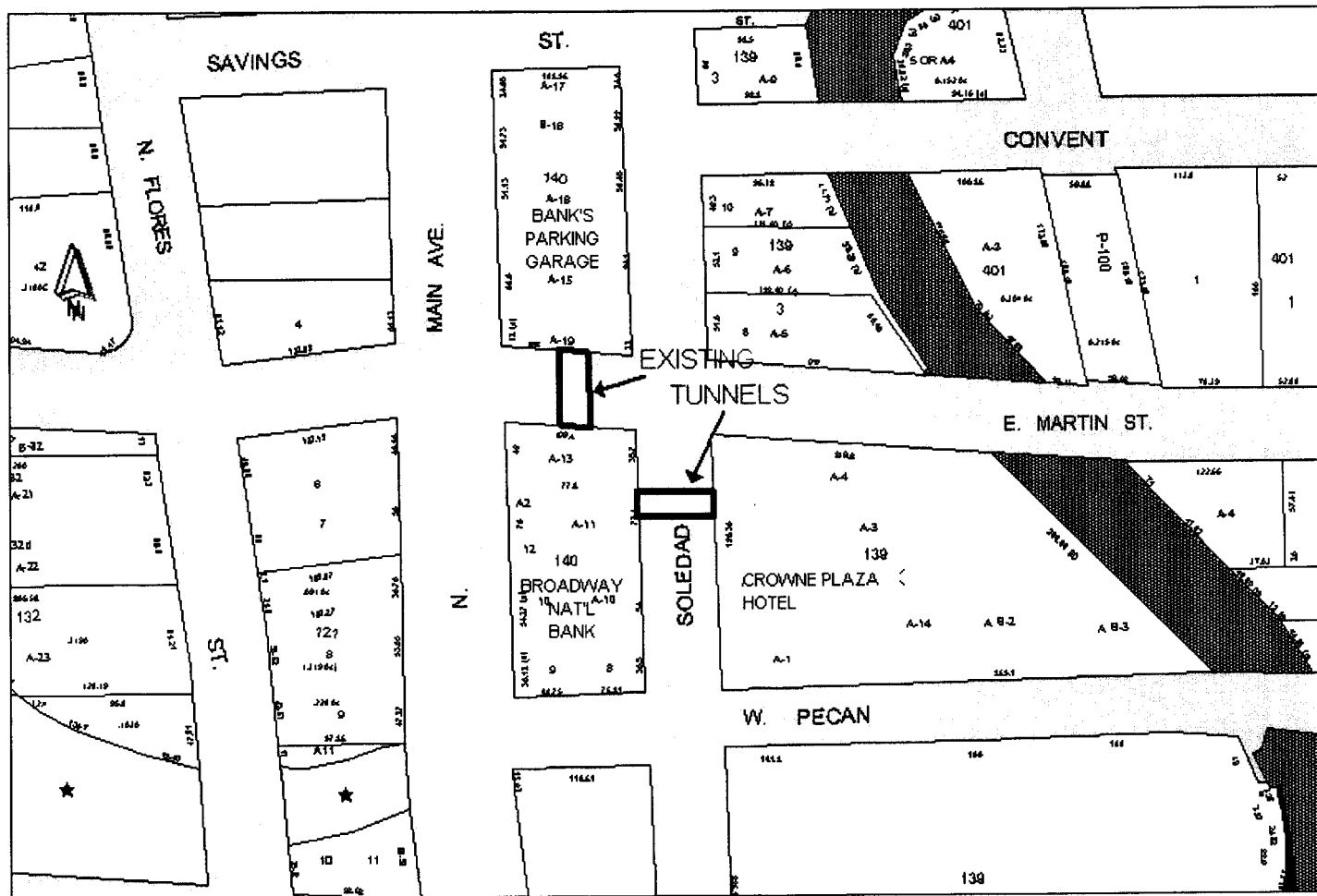


Erik J. Walsh
Assistant City Manager

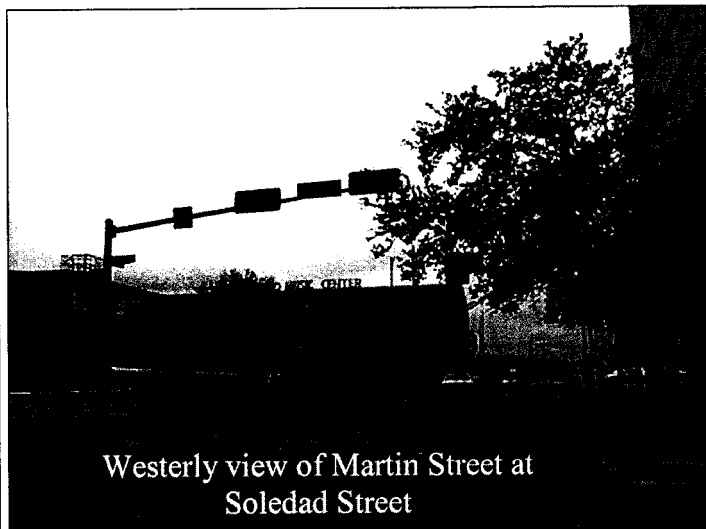
Approved for Council Consideration:



Sheryl Sculley
City Manager



Northerly view of Soledad Street at Pecan Street



Westerly view of Martin Street at Soledad Street

EXHIBIT "A"

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

HEI San Antonio Hotel LP, a Delaware limited partnership

(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:

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

☒ **No subcontractor(s); or**

List subcontractors:

(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:

W. Bebb Francis, III

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:
W. Bebb Francis, III	Mayor Phil Hardberger	\$1,000.00	Nov. 17, 2005
W. Bebb Francis, III	Councilman Chip Haass	\$250.00	Nov. 8, 2005
W. Bebb Francis, III	Councilman Roland Gutierrez	\$250.00	Nov. 8, 2005

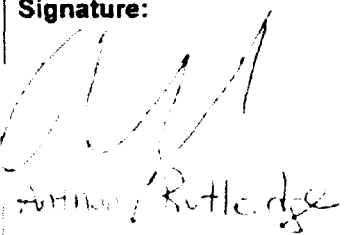
(6) Disclosures in Proposals

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:

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: Company or D/B/A: HEI San Antonio Hotel LP, a Delaware limited partnership By: HEI San Antonio GP, LLC, a Delaware limited liability company	Date: May <u>17</u> , 2006
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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.