

AN ORDINANCE

95938

ESTABLISHING A RIVERWALK CAPITAL IMPROVEMENTS  
ADVISORY BOARD TO ADVISE THE CITY COUNCIL ON  
SPENDING PRIORITIES FROM THE RIVERWALK CAPITAL  
IMPROVEMENTS FUND, AS SPECIFIED IN THE  
RIVERWALK LITIGATION SETTLEMENT AGREEMENT  
APPROVED BY CITY COUNCIL ON SEPTEMBER 20, 2001

\* \* \* \* \*

**WHEREAS**, since 1957, the City has leased portions of real property along the San Antonio River, known as the RiverWalk, to adjacent property owners and businesses; and

**WHEREAS**, the RiverWalk was created by municipal planning and public works projects over a span of at least one hundred years for flood control, safety and the prevention of loss of life and property, for beautification and ultimate transformation into a unique city park that enhances the cultural diversity of San Antonio and promotes recreation and tourism; and

**WHEREAS**, through ordinance 94561, on September 20, 2001, the City Council approved the litigation settlement agreement with several RiverWalk lease holders; and

**WHEREAS**, ordinance 94561 established the RiverWalk Capital Improvements Fund into which one-half of the back rent payment and all future revenue from RiverWalk restaurant leases will be deposited and which will be used to fund capital improvements and development of the RiverWalk; and

**WHEREAS**, it was approved in the settlement agreement that an advisory board would be established to advise the City Council on spending priorities from the dedicated accounting revenue fund; and

**WHEREAS**, it is necessary to establish an advisory board; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The RiverWalk Capital Improvements Advisory Board is hereby established to advise the City Council on spending priorities from the dedicated accounting revenue fund, Fund 40-005089, RiverWalk Capital Improvements Fund.

**Section 2.** The Board will consist of seven members from the following categories:

- 2 - Two members nominated by the River Bend lessees
- 1 - One downtown resident who is not a lessee
- 1 - One downtown business owner who is not a lessee
- 1 - the City of San Antonio Downtown Project Coordinator
- 1 - the City of San Antonio Director of Parks and Recreation

1 - the City of San Antonio Historic Preservation Officer  
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**Section 3.** The City Clerk shall take appropriate action to fill the board positions.

**Section 4.** The Parks and Recreation Department will coordinate board meetings and agendas and make capital improvement recommendations to the advisory board.

**Section 5.** The board shall act in an advisory capacity only. Approval and use of funds will follow the City's regular financial and budget requirements. Final determination for use of funds will be the authority of the City of San Antonio.

**Section 6.** This will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 13<sup>th</sup> day of June 2002.

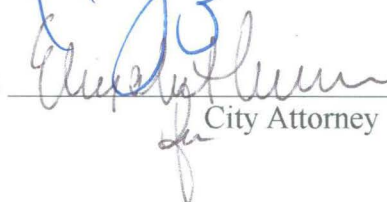
  
M A Y O R

PRO TEM

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

02-24



## BOARD APPOINTMENTS

AGENDA ITEM NUMBER:

22  
JUN 13 2002

DATE:

MOTION:

ORDINANCE NUMBER:

95938

RESOLUTION NUMBER:

ZONING CASE NUMBER:

TRAVEL AUTHORIZATION:

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		/	
JOHN H. SANDERS District 2		/	
ANTONIETTE "TONI" MOORHOUSE District 3		/	
ENRIQUE "KIKE" MARTIN District 4		absent	
DAVID A. GARCIA District 5		absent	
ENRIQUE M. BARRERA District 6		absent	
JULIAN CASTRO District 7		absent	
BONNIE CONNER District 8		✓	
CARROLL W. SCHUBERT District 9		✓	
DAVID CARPENTER District 10		✓	
EDWARD D. GARZA Mayor		absent	

**FILE** River Walk  
Capitol Improvements  
Advisory Board

02-24

ALAMO HOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT -NEIGHBORHOOD PLNG;
URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

Lolly



**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
PARKS AND RECREATION DEPARTMENT**

**TO:** Mayor and City Council

**FROM:** Malcolm Matthews, Director, Parks and Recreation Department

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Melissa B. Vossmer; Finance; Management and Budget; Legal; File

**SUBJECT:** Ordinance Establishing the RiverWalk Capital Improvements Advisory Board to Advise the City Council on Spending Priorities from the RiverWalk Capital Improvements Fund, as Specified in the RiverWalk Litigation Settlement Agreement Approved by City Council on September 20, 2001

**DATE:** June 13, 2002

**SUMMARY AND RECOMMENDATIONS**

The ordinance will establish the RiverWalk Capital Improvements Advisory Board to advise the City Council on spending priorities from the RiverWalk Capital Improvements Fund, as specified in the RiverWalk litigation settlement agreement approved by City Council on September 20, 2001.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

In 1998, the City of San Antonio entered into litigation with several businesses on the RiverWalk regarding past due rental payments and verification of ownership of property along the San Antonio River. Through ordinance 94561, a settlement agreement was approved by City Council on September 20, 2001 which validated the City's claim of ownership, specified past due payments to be made, determined future rent area and established a capital improvements fund for the RiverWalk. City staff was authorized to take any necessary administrative actions to complete the settlement of the lawsuits according to the terms of the settlement agreement. There was a delay in executing the agreements, pending final approval of surveys of the properties. The surveys have been completed, all issues have been resolved and execution of the RiverWalk lease agreements has been completed. As negotiated in the settlement agreement, the City will deposit all restaurant lease revenues into the new RiverWalk Capital Improvements Fund dedicated to fund capital improvement projects on the RiverWalk.

This ordinance will establish a RiverWalk Advisory Board. In accordance with the settlement agreement, the board will advise the City Council on spending priorities from the dedicated

accounting revenue fund. The Advisory Board will consist of seven members from the following categories: (2) two members nominated by the River Bend lessees, (1) one downtown resident who is not a lessee, (1) one downtown business owner who is not a lessee, (1) the COSA Downtown Project Coordinator, (1) the COSA Director of Parks and Recreation and (1) the COSA Historic Preservation Officer. In addition, the Councilperson from District 1 is a non-voting member of the Advisory Board. The City Clerk's office will administer the procedure to fill the board positions. The Parks and Recreation Department will coordinate board meetings and agendas and will make recommendations to the committee on improvements.

The committee will meet on a regular basis to discuss future anticipated needs for use of the RiverWalk Capital Improvements Fund. Approval and use of funds will follow the City's regular financial and budget requirements. Final determination for use of the funds will be the authority of the City, through a recommendation process from the Advisory Board to the City Council for final approval.

### **POLICY ANALYSIS**

This action will meet the requirements of the RiverWalk litigation settlement agreement, as approved on September 20, 2001 through Ordinance 94561.

### **FISCAL IMPACT**

There is minimal impact on the General Fund in establishing this advisory board. In accordance with the settlement agreement and Ordinance 94561, there are specific directions regarding lease payments. One lump sum of \$134,364.00 from past due rent will be deposited into the General Fund. The remaining past due amount (\$269,131.00) is to be paid in equal monthly installments over a three year period to be divided between the General Fund and the RiverWalk Capital Improvements Fund until the past due amount is paid in full in 2004. Interest on the balance due will accrue annually and Finance will add this amount to the total owed. All future lease payments for all RiverWalk restaurant leases will be deposited into the RiverWalk Capital Improvements Fund. This will reduce revenue deposits to the General Fund by about \$120,000.00 per year.

### **COORDINATION**

This action has been coordinated with the City Attorney's Office, City Clerk's Office and City Manager's Office.

**SUPPLEMENTARY COMMENTS**

The completion of a Discretionary Contracts Disclosure Statement is not required.

  
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Malcolm Matthews,  
Director of Parks and Recreation

  
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Melissa B. Vossmer,  
Assistant City Manager

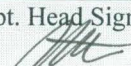
Approved:

  
\_\_\_\_\_  
Terry M. Brechtel  
City Manager



<b>CITY OF SAN ANTONIO</b>		Date Considered:
<u>Approval</u>		Consent <input type="checkbox"/> Individual <input checked="" type="checkbox"/>
<u>Finance</u>	<u>Budget</u>	Item No.
[     ]	[     ]	Ord. No. <b>22</b>
<u>Legal</u>	<u>Coordinator.</u>	
[     ]	[     ]	
<b>Request For Ordinance/Resolution</b>		

Date: May 30, 2002	Department: Parks and Recreation	Contact Person/Phone #: Rae Riojas 207-8469
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Date Council Consideration Requested: June 13, 2002	Deadline for Action: ASAP	Dept. Head Signature: 
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### SUMMARY OF ORDINANCE

The ordinance will establish the RiverWalk Capital Improvements Advisory Board to advise the City Council on spending priorities from the RiverWalk Capital Improvements Fund, as specified in the RiverWalk litigation settlement agreement approved by City Council on September 20, 2001.

Staff recommends approval of this ordinance.

Other Depts., Boards, Committees Involved (please specify): City Clerk's Office, City Attorney's Office
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Contract signed by other party      Yes <input type="checkbox"/> No <input type="checkbox"/>
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<b>FISCAL DATA (If Applicable)</b>	<b>Budgetary Implications</b>
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Fund No.	Amt. Expended	Funds/Staffing Budgeted	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Activity No.	SID No.	Positions Currently Authorized	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Index Code	Project No.	Impact on future O&M	None
Object Code		If positions added, specify class and no.	
<b>Comments:</b> Individual			

# **Establishing the RiverWalk Capital Improvements Advisory Board**

Parks and Recreation Department

June 13, 2002

Agenda Item 22

1

## **Ordinance**

- Ordinance establishes the RiverWalk Capital Improvements Advisory Board, as specified in the RiverWalk ownership litigation settlement agreement

2



## Background

- In 1998, COSA entered into litigation with RiverWalk businesses to confirm property ownership and collect past due RiverWalk lease rent
  - Michelino's, Café Ole, and Lone Star
  - Republic of Texas
  - Casa Rio
  - Casino Club
  - Zuni Grill

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## Background

- After extensive combined discovery, the first four cases were set for trial for the summer of 2001
- The trial was delayed as settlement negotiations occurred during the summer of 2001
- Parties signed a Rule 11 settlement agreement on August 23, 2001
- Settlement approved by City Council on September 20, 2001 in Ordinance 94561

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## **Background**

- The fifth case, Zuni Grill, is set for trial in July 2002
- Zuni Grill case now in settlement negotiations

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## **Settlement Agreement and Leases**

- Establishes City ownership of the RiverWalk
- Payment of back rent (negotiated amount)
- Market Rental Rates established
- Past and future restaurant lease revenue deposited into a RiverWalk Capital Improvement Fund

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## **Settlement Agreement and Leases**

- RiverWalk Capital Improvements Advisory Board
- Attorneys' Fees (each pays their own)
- Defines uses of lease areas

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## **RiverWalk Capital Improvements Advisory Board**

- Advise the City on spending priorities from the dedicated RiverWalk capital improvement fund
- Board will consist of seven (7) full members and one ex-officio member
- Approval/use of funds will follow City's regular financial and budget process

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## RiverWalk Capital Improvements Advisory Board

- Final determination for use of funds will be authority of the City Council
- City Clerk will coordinate appointment of board members
- Parks and Recreation will make recommendations to Board on improvements and will coordinate meetings and agendas

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## RiverWalk Capital Improvements Advisory Board

<u>Appointment Categories</u>	<u>No.</u>
RiverWalk Bend Lessees	2
Downtown Resident (Non-Lessee)	1
Downtown Business Owner (Non-Lessee)	1
COSA Parks and Recreation Director	1
COSA Historic Preservation Officer	1
COSA Downtown Project Coordinator	1
District 1 Councilperson (Ex-Officio)	<u>0</u>
<b>Total</b>	<b>7</b>

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## **Fiscal Impact**

- Negotiated past due rent = \$403,495
  - Lump sum of \$134,364 to General Fund
  - Remaining amount of \$269,131 to be paid in monthly payments, split between General Fund and Revenue Fund, until paid in full in 2004
- Future payments for all RiverWalk restaurant leases will be deposited into Revenue Fund (currently \$211,500 per year)

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## **Future Actions**

- City will continue to pursue property, lease and revenue issues on the RiverWalk

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## **Coordination**

- Agenda Item coordinated with:
  - City Clerk's Office
  - City Attorney's Office

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## **Recommendation**

- Approve ordinance establishing the RiverWalk Capital Improvements Advisory Board

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**CITY OF SAN ANTONIO**  
**OFFICE OF THE CITY COUNCIL**  
INTERDEPARTMENTAL CORRESPONDENCE SHEET

CITY OF SAN ANTONIO  
CITY CLERK  
06 OCT 18 AM 10:22

**TO:** Leticia Vacek, City Clerk  
**FROM:** Councilman Roger O. Flores, District 1  
**COPIES TO:** City Manager; City Attorney; File  
**SUBJECT:** Boards and Commissions Nominations  
Riverwalk Capital Improvements Advisory Committee

**DATE:** October 17, 2006

I would like to appoint the following individuals for a District 1 Boards and Commission slot:

**Ray Halani (DT business owner) – Riverwalk Capital Improvements Advisory Committee**

An application is on file with the City Clerk. Thank you for your consideration.

Roger O. Flores  
City Councilman, District 1

BOARD/COMMISSION: Riverwalk Capital

Improvements Adv. Bd.

DATE OF APPOINTMENT/REAPPOINTMENT: 11/16/06

TERM OF OFFICE TO EXPIRE: 5/31/2007