



City of San Antonio

Agenda Memorandum

File Number:16-1750

Agenda Item Number: 11.

Agenda Date: 4/7/2016

In Control: City Council A Session

DEPARTMENT: Transportation & Capital Improvements

DEPARTMENT HEAD: Mike Frisbie, P.E.

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Proposed Revisions to Chapter 37 of the Municipal Code

SUMMARY:

An ordinance approving revisions to Chapter 37 of the Municipal Code which governs the acquisition, use of, and disposition of city owned real property and will become effective upon approval of this ordinance.

BACKGROUND INFORMATION:

On January 11, 2007, City Council adopted Municipal Code Chapter 37 which focuses on the acquisition, use and disposition of city real property interests. Through its adoption, Chapter 37 allows the city to create a comprehensive approach to policy, process and compliance with state provisions. Chapter 37 has been amended twice since it was enacted, the last of which was in 2009.

Major Sections of Chapter 37:

- Acquisition of interests in Real Estate
- Disposition of interests in Real Estate
- Licenses and leases of City property
- Fiber Optic Licenses, wireless communication towers and equipment on city-owned property, and use of traffic poles for communication equipment
- Closure, vacation and abandonment of public streets, alleys and drainage easements
- Permits for encroachment onto public streets, alleys and sidewalks
- Joint Use Agreements / granting and releasing of easements

- Notice of non-acceptance of property
- Rights of Entry

The Department of Transportation & Capital Improvements has been coordinating with the City Attorney's Office and several other City departments to streamline existing process for the acquisition, disposition and use of real City property. TCI has performed a process review and is recommending process efficiencies and updates to Chapter 37.

Summary of Proposed Revisions:

Clarification of Wording:

- Revise outdated language referencing CIMS Department
- Remove detailed step-by-step procedures in favor of "policy" type language, leaving procedures to be determined administratively so that efficiencies and improvements can be implemented quickly
- Combine multiple IT sections into one section for easier administration by ITSD
- Clearly state that Chapter 37 cannot be used to meet requirements of the Unified Development Code or any other code requirement
- Provide clarification of the term "Permits" versus other legal instruments

Authorization:

- Permits and Joint Use Agreement that will not reserve or create rights may be done administratively
- Allows use of Bexar County Appraisal District assessments and projections to be used in lieu of hiring an appraiser for small or uncomplicated valuations

Fees:

- Remove exemption from fees for government entities since fees are intended to recover the cost of processing
- Relocate Fee Table to its own section with no current change in fees and recommend fee updates with the annual budget process

ISSUE:

This ordinance approves revisions to Chapter 37 of the Municipal Code. Proposed changes include removing outdated language, providing clarifications regarding process and applicability, and allowing staff to administratively streamline processes. If approved, changes will become effective upon approval of the ordinance.

ALTERNATIVES:

City Council could choose not to approve this item; however, this would not allow the implementation of multiple improvements and efficiencies. Additionally, outdated and confusing references would continue to be included in the Municipal Code.

FISCAL IMPACT:

Fee amounts are not changing at this time. TCI will review cost of processing, benchmark with other cities,

and coordinate with stakeholders to determine applicable fees which will be included as part of the FY 2017 Budget Process.

RECOMMENDATION:

The Department of Transportation & Capital Improvements has coordinated with the Office of the City Attorney, Center City and Downtown Operations Department, Development Services Department, Finance Department, Office of Historic Preservation, Information Technology Services Department, Office of Management & Budget, Parks & Recreation Department, Solid Waste Management Department, San Antonio Fire Department and San Antonio Police Department, to streamline existing policies for the acquisition, disposition and use of real City property.

Staff presented the proposed revisions to the Development Process Task Force on March 11, 2016 and the Neighborhood & Livability Committee on March 29, 2016. Both the Task Force and the Committee support the changes to the Chapter 37 of the Municipal Code.

Staff recommends City Council's approval of this ordinance updating Chapter 37 of the Municipal Code.