

**CITY OF SAN ANTONIO**  
**OFFICE OF THE MAYOR**  
**Interdepartmental Memorandum**

AGENDA ITEM NO. **53**

2002 NOV 14 PM 4:28

**TO:** COUNCIL MEMBERS

**FROM:** Mayor Edward D. Garza

**COPIES TO:** City Manager; City Clerk; City Attorney; Management Team Members; Directors of Finance and Management & Budget; Assistants to Mayor and Council; File

**SUBJECT:** AGENDA ITEM AUTHORIZING CONTINGENCY FUNDS

**DATE:** November 14, 2002

I respectfully request council concurrence to place on the City Council agenda of November 21, 2002, an ordinance allocating \$1,000 from the Mayor's Contingency Fund Account. In an effort to raise thousands of toys for the upcoming Elf Louise Christmas Project, Chuy's Comida Delux will be sponsoring a children's parade on December 7, 2002. The funds will be utilized to cover the expenses related with this parade. If my Council colleagues are interested in providing additional funds, please indicate amount by your signature.

**Please note that staff has reviewed the request and concurs with this action.**

Thank you for your consideration.

  
**EDWARD D. GARZA**  
Mayor

EDG:tb  
attachment(s)

  
**Bobby Pérez**  
Council Member, District 1

**John Sanders**  
Council Member, District 2

**Antoniette "Toni" Moorhouse**  
Council Member, District 3

**Enrique "Kike" Martin**  
Council Member, District. 4

**David A. García**  
Council Member, District 5

  
**Enrique M. Barrera**  
Council Member, District 6

  
**Julián Castro**  
Council Member, District 7

**Bonnie Conner**  
Council Member, District 8

  
**Carroll Schubert**  
Council Member, District 9

  
**David Carpenter**  
Council Member, District 10

REQUEST FOR  
CONTINGENCY ACCOUNT EXPENDITURES  
DISTRICT Mayor Ed Garza's office

It is important that Council Items requiring the use of district contingency funds not be circulated until the following information is obtained:

1. Name of Organization: Chuy's Comida Deluxe  
Address: 1623 Toomey Road, Austin, Texas, 78704  
Phone: (512) 473-2783
2. Tax Exempt # (if applicable) 74-1934031
3. (a) Amount of Request: \$ 1000.00 (not less than \$100.00).  
(b) What other sources of funding does organization have? Sponsor donations from the Runne Group for Christus Santa Rosa Hospital, Frost Bank, KB Homes, City Public Service and Community First Health Plans.
4. Purpose of Request (state exactly how funds are to be used, and the public benefit anticipated):

The goals of the Chuy's Parade are to raise thousands of toys for the Elf Louie Christmas Project and to teach children the valuable lessons of sharing and giving. In order to accomplish this, we need to have the parade stop at the moment in time so that children can approach the parade and GIVE their present. This requires additional street closures and an added \$3,700 to our budget. We will use these funds to help cover the additional expense.

5. Contact person: Ashley Mokry  
Address: 1623 Toomey Road, Austin, Texas, 78704  
Phone: (512) 473-2783
6. Time Frame/Calendar  
Date of Event: Saturday, December 7, 2002 at 11:00 am
7. Copy of separate written request attached? Yes ☒ No ☐
8. Does the organization receive other city funds? Yes ☐ No ☒
9. Is the city co-sponsoring the particular event? Yes ☐ No ☒
10. (a) Comments by the City Attorney's Office  
Proposed expense is consistent with Ord No. 96399 in that it will promote pride in the community

Jim Zetzsche  
Deputy City Attorney

- (b) Comments from the Department Director

This form should be completed and attached to six-signature memorandum.

**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:

Chuy's Comida Deluxe

and the name of:

(A) any individual or business entity that would be a subcontractor on the discretionary contract;

None

(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

(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.

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<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.

### 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.

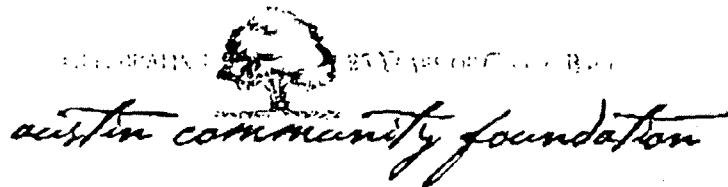
To Whom Made:	Amount:	Date of Contribution:
None		

### 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.

Signature: Ashley Motley	Title: Director of Marketing Company: Chuy's Comida Deluxe	Date: 10/30/02

<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.



October 10, 2002

To Whom It May Concern:

The Austin Community Foundation is the administrator of the "Young Zapp Children's Fund", a special project fund to support the Young Zapp Children's Fund program that has been created to support the Chuy's Children's Parade.

The Austin Community Foundation is a non-profit organization, tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. There has been no change in status since the original letter of exemption. All contributions to the "Young Zapp Children's Fund" are tax-deductible to the extent allowed by law.

If you have any questions about the Fund or the Austin Community Foundation, please call.

Very truly yours,

Paula Lange  
Finance Director

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President  
Bettye Nowlin  
President-Elect  
Judy Osborn  
Vice President  
Jeff Kodosky  
Treasurer  
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Steven L. Guengerich  
Mary Harsen  
Jan Hughes  
George K. Hefner, III  
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Ledia Rhoads  
C. Stephen Saunders  
Kerry Tate  
Geraldine J. Tucker, J.D.  
John T. (Bud) Whitley  
Pete Winstead

\*Governor Emeritus

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Internal Revenue Service  
District Director

Department of the Treasury

Date: DEC 03 1982

Our Letter Dated:  
October 12, 1977

Person to Contact:  
EO TECHNICAL ASSISTOR

Contact Telephone Number:  
(214) 767-2728  
EO:7215:ET

Austin Community Foundation for  
The Capital Area  
P.O. Box 5875  
Austin, Texas 78761

Tax ID# 74-1934031

Dear Taxpayer:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

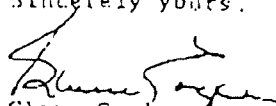
Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

  
Glenn Eagle  
District Director

cc: Joseph W. Berend  
Suite 7000  
231 West Sixth Street  
Austin, Texas 78701

1100 Commerce St., Dallas, Texas 75242

Letter 1050 (00) (7-77)

rpj

Tax ID# 74-1934031