

**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 Authorizing a Five Year La Villita Retail Lease Agreement with Cliff Croom d/b/a Bolivar Café for Lease of Building 9 at La Villita

**DATE:** December 12, 2002

**SUMMARY AND RECOMMENDATIONS**

This ordinance approves a five (5) year La Villita Retail Lease Agreement with Cliff Croom d/b/a Bolivar Café for lease of approximately 1,713 square feet identified as Building 9, Suite 902, at La Villita in City Council District 1 for the period December 1, 2002 through November 30, 2007.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

It is the long-standing policy of the City of San Antonio to lease public property in the City's La Villita, located at 418 Villita Street in City Council District 1, for art, cultural and retail sales purposes. This ordinance authorizes a standard form La Villita Retail Lease Agreement with Cliff Croom, a Sole Proprietor, d/b/a Bolivar Café for his use of approximately 1,713 square feet of restaurant space, identified as Building 9. This space became vacant in October 2001 when the prior restaurant tenant vacated the premises.

An open public Request for Proposals (RFP) for lease of Building 9 was issued on March 11, 2002 and proposals were due on May 1, 2002. Two (2) proposals were submitted and accepted by City staff. A four member review committee reviewed and scored the proposals based on evaluation criteria contained in the RFP, including restaurant concept, menu, management plan, experience, a personal interview and SBEDA compliance. The proposal submitted by Ms. Melody E. Bellino and Ms. Hattie A. Townsend, as Partners, was rated highest by the evaluation committee, but was subsequently withdrawn due to health concerns of both partners. The proposal submitted by Mr. Cliff Croom was rated almost equally (only one point lower, overall) to the Bellino/Townsend proposal. The evaluation committee and the City staff feel that Mr. Cliff Croom will provide excellent service to the patrons of La Villita.

Mr. Cliff Croom has 30 years restaurant management and catering experience, including the successful operation of Amaya Deli in Hemisfair Park since 1993. Mr. Croom has provided the Parks and Recreation Department with all required documents, which include financial information.

Mr. Croom will take over the use of the space after approval by City Council. Term will be from December 1, 2002 through November 30, 2007. He will be required to pay utility costs, a promotional fee and exterior building maintenance fee, abide by use clauses and minimum hours of operation, provide for all improvements and maintenance of the leased space and provide insurance levels specified by the City's Risk Manager as set forth in the lease agreement.

### **POLICY ANALYSIS**

It is the long-standing policy of the City of San Antonio to lease public property in La Villita for retail sales purposes, under regulations established in Chapter 32, Article II of the City Code of the City of San Antonio. The approval of a lease agreement requires passage of a City ordinance.

### **FISCAL IMPACT**

Mr. Croom will make payments as established in the lease agreement. The rental rate is based upon an established seven-year schedule. We are presently in the third year of the lease schedule. The current 2002 rate is \$1,417.69 per month or \$16,573.64 per year. This will increase gradually to a rental rate of \$1,488.07 per month or \$17,386.94 in the last year of the lease agreement (2007). The annual lease rates include a reduction for the month of April, during which time La Villita is the location of the annual Night In Old San Antonio Fiesta event.

Anticipated Lease Year revenues, which start December 1, 2002, are:


LY02/03 - \$16,573.64	LY03/04 - \$16,773.17	LY04/05 - \$16,976.19
LY05/06 - \$17,182.76	LY06/07 - \$17,386.94	

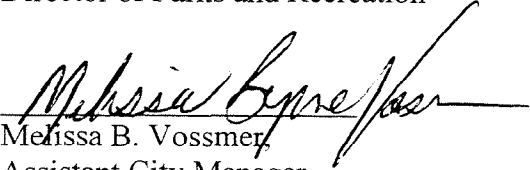
### **COORDINATION**

This Retail Lease Agreement was coordinated with the City Attorney's Office and the Department of Asset Management.

### **SUPPLEMENTARY COMMENTS**

A Discretionary Contracts Disclosure Form is attached.

  
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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

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**ITEM 9.**  
**City of San Antonio**  
**Discretionary Contracts Disclosure**

*For use of this form, see City of San Antonio Ethics Code, Part D, Section 1&2*

**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 that would be a party to the discretionary contract 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.

none

**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 member of 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 entity include, but are not limited to, contributions made through the officers, owners, 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>1</sup> as to whether any city official would violate Section 1 of Part B by participating in official action relating to the discretionary contract.

none
Signature: <u>[Signature]</u> Date: <u>10/29/02</u>

<sup>1</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.