

**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 the Renewal of Lease or License Agreements for Seven Tenants at Market Square

DATE: June 5, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the renewal of two-year lease and one-year license agreements for seven tenants who operate businesses in the Farmers Market Plaza in the City of San Antonio's Market Square in City Council District 1, in accordance with the terms of their original lease agreements approved in Ordinance 96012 on June 27, 2002.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

In Ordinance 96012, passed and approved on June 27, 2002, agreements were authorized for eight tenants in the City's Market Square, in City Council District 1. The one-year term agreements established new, stronger default language for these tenants who had not met the contractual obligations set forth in their previous agreements, which were eight-year for leases and one-year for licenses. This year, as stipulated in the agreements last June, a review of the tenant accounts was performed to determine whether to recommend contract renewal. The review has indicated that all have maintained their lease/license accounts with the City in good standing. One tenant requested and was approved to assign their lease to another tenant. The remaining seven have met the criteria set forth in the agreement approved last year.

The ordinance will approve a two-year renewal term for the space lease agreements, which will be from June 1, 2003 through May 31, 2005. These tenants include:

Ranchero Grill and Tap	Food Court 1	Farmers Market Plaza
Silver Spur	In-Line 10	Farmers Market Plaza
A Touch of Mexico	In-Line 15	Farmers Market Plaza
Magalis Silver International	In-Line 16	Farmers Market Plaza

License agreements for push carts and kiosks will be approved for one year and the term will be from June 1, 2003 through May 31, 2004. These tenants include:

Baptismal Boutique and Loving Traditions	Kiosk K16	Farmers Market Plaza
River City Caricatures	Pushcart PC16	Farmers Market Plaza
Fresh Concepts	Pushcart PC17	Farmers Market Plaza

The City will review tenant operation after the end of the agreements listed above. Another term to match the original eight-year term of the defaulted agreement will be offered to those lease tenants who remain in good standing. The license tenants will be offered another one-year term.

POLICY ANALYSIS

It is the long-standing policy of the City of San Antonio to lease public property in the Market Square Plaza for retail sales and restaurant purposes, under regulations established in Chapter 32, Article II of the City Code of the City of San Antonio. The renewal of these seven lease/license agreements requires passage of a City ordinance.

FISCAL IMPACT

Tenants approved by this ordinance will pay the following rental fees:

<u>Tenant</u>	<u>Year 1</u>	<u>Year 2</u>
Ranchero Grill and Tap	\$601.29/month	\$613.08/month
Silver Spur	\$1,566.00/month	\$1,600.80/month
A Touch of Mexico	\$1,949.40/month	\$1,992.72/month
Magalis Silver International	\$1,409.40/month	\$1,440.72/month
Baptismal Boutique and Loving Traditions	\$300.00/month	N/A
River City Caricatures	\$250.00/month	N/A
Fresh Concepts	\$250.00/month	N/A


Tenants also pay garbage and utility costs. Fees are deposited into the City's General Fund.

COORDINATION

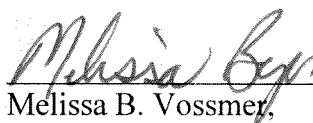
This action was coordinated with the City Attorney's Office.

SUPPLEMENTARY COMMENTS

A Discretionary Contracts Disclosure Form is attached for each tenant.



Malcolm Matthews,
Director of Parks and Recreation



Melissa B. Vossmer,
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager

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;

J. Quintero

(2) the identity of any business entity that would be a party to the discretionary contract:

FRESH CONCEPTS
and the name of:

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

NA

(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;

NA

(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.

NA

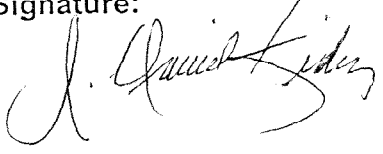
Political Contributions

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:
NA	NA	NA

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 question¹ 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.

NA		
Signature: 	Title: <i>Owner</i> Company: <i>Truck Concepts</i>	Date: <i>3/12/03</i>

¹ 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.

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(1) the identity of any **individual** who would be a party to the discretionary contract;

Gisa Ann R. Saldaña

(2) the identity of any **business entity** that would be a party to the discretionary contract:

Baptismal Boutique / Loving Traditions

and the name of:

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

N/A

(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;

N/A

(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.

N/A


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N/A	N/A	N/A

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N/A		
Signature: 	Title: owner Company: Beethoven Boutique / Living Credit	Date: 5/12/03

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(1) the identity of any individual who would be a party to the discretionary contract;

PAULINO B. VELAZQUEZ

(2) the identity of any business entity that would be a party to the discretionary contract:

MAGALIS SILVER ENT'L

and the name of:

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

N/A

(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;

N/A

(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.

N/A


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N/A		
Signature: 	Title: OWNER Company: NAGALIS SILVER ENT'L	Date: 5-14-03

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(1) the identity of any individual who would be a party to the discretionary contract;

PAULINO B. VELAZQUEZ

(2) the identity of any business entity that would be a party to the discretionary contract:

A TOUCH OF MEXICO

and the name of:

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

N/A

(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;

N/A

(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.

N/A

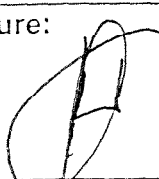
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N/A		
Signature: 	Title: OWNER Company: A Touch of Mexico	Date: 5-14-03

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(1) the identity of any individual who would be a party to the discretionary contract;

Lesvia Cox

(2) the identity of any business entity that would be a party to the discretionary contract:

Silver Spur
and the name of:

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

NA

(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;

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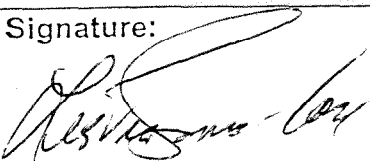
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<i>NA</i>		
Signature: 	Title: <i>Silver Spur</i> Company: <i>S.A. Hot Tees, Inc.</i>	Date: <i>5/19/03</i>

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GABRIEL C. CHAVEZ, JR

(2) the identity of any business entity that would be a party to the discretionary contract:

RIVER CITY CARICATURES

and the name of:

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

N/A

(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;

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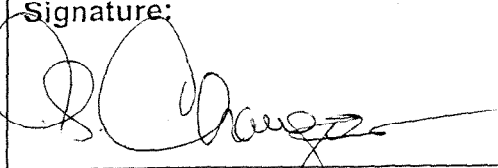
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N/A		
Signature: 	Title: OWNER Company: RIVER CITY CREATURES	Date: 05-9-03

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(1) the identity of any individual who would be a party to the discretionary contract;

John Lopez

(2) the identity of any business entity that would be a party to the discretionary contract:

Pancho Grill + Tap

and the name of:

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

NA

(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;

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NA		
Signature: 	Title: OWNER Company: RANCHO GRILL & TAP	Date: 5/13/03

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