

CONSENT AGENDA
ITEM NO. 12

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
CONVENTION FACILITIES DEPARTMENT**

TO: Mayor and City Council

FROM: Michael J. Sawaya, Convention Facilities Director *MS*

THROUGH: Terry M. Brechtel, City Manager

COPIES: Roland A. Lozano, Assistant to the City Manager; File

SUBJECT: Food and Beverage Concession Contract for the Municipal Auditorium of the San Antonio Convention Facilities

DATE: August 19, 2004

SUMMARY AND RECOMMENDATIONS

An Ordinance approving the execution of a Food and Beverage Concession Contract for the Municipal Auditorium between the City of San Antonio and Facility Concession Services dba Spectrum effective May 1, 2004 on a month-to-month basis not to exceed ten (10) months (through February 2005) and provides for payment to the City of 32.5% of Concessionaire's receipts, after sales taxes. The projected commission of \$22,370 represents ten (10) months or \$2,237 monthly.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Spectrum has provided good food and beverage concession services at the Municipal Auditorium since April 1997. The most current contract, which became effective on April 15, 2002, expired on April 30, 2004. On July 29, 2004, staff had recommended City Council approve a ratification of a one year extension as provided for in that contract. However, upon consideration, City Council directed staff to provide for the needed services through a new month-to-month contract rather than an extension of the expired contract so that Convention Facilities staff will have sufficient time to evaluate options available to the City concerning concessions contracts at the Convention Center and Municipal Auditorium. Approval of this Ordinance will comply with the directive of the City Council, provide an effective date of May 1, 2004 for the month-to-month contract covering the time period which has elapsed since the expiration of the prior contract, and authorize food and beverage concession services to continue to be provided for up to six additional months.

The following commissions have been collected since the effective date of the expired contract:

<u>Fiscal Year</u>	<u>Projected Commissions</u>	<u>Actual Commissions</u>
2002	\$11,688	\$ 8,430 *
2003	\$26,010	\$25,358
2004	<u>\$15,476</u>	<u>\$17,352 **</u>
	\$53,174	\$51,140

* May 1, 2002 – September 30, 2002

** October 1, 2003 – May 31, 2004

There is a separate concessionaire for Novelty & Souvenir Concessions at the Municipal Auditorium.

POLICY ANALYSIS

The Economic Development Department has reviewed and approved the updated Good Faith Effort Plan that was submitted by Spectrum. Spectrum has assured the City that they will make every reasonable business effort to follow the City's SBEDA policies of utilizing local, small, minority and/or women-owned businesses as potential suppliers to assist in the performance of their contract.

FISCAL IMPACT

The City receives a 32.5% commission of Gross Receipts after sales taxes are paid. The contract is expected to generate \$22,370 for ten (10) months or \$2,237 monthly.

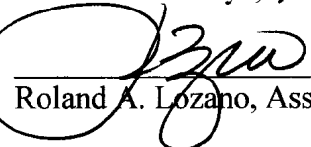
COORDINATION

This item has been coordinated with the City Attorney's Office, the Contract Services Division of Asset Management, and Economic Development.


SUPPLEMENTARY COMMENTS

The required Ethics Disclosure forms are attached.


Michael J. Sawaya, Convention Facilities Director


Roland A. Lozano, Assistant to the 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:

DAVID SMALLEY

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

Spectrum Catering + Concessions
FACILITY CONCESSION SERVICES INC.

and the name of:

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

N/A

and the name of:

(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

¹ 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.

- (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 none

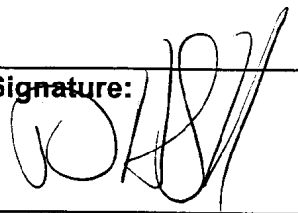
Political Contributions

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 *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:
N/A	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 question² 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: 	Title: President Company: Spectron	Date: 4/14/04

² 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.