

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA

ITEM NO. 11

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**SUBJECT:** Execution of a Short-Term Lease Agreement with FaulknerUSA, L.P. for use of the vacant retail space at the HemisFair Parking Garage.

**DATE:** February 3, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance ratifies the execution of a short-term Lease Agreement with FaulknerUSA, L.P., a Texas Limited Partnership, for a period commencing January 24, 2005 and ending July 31, 2005, for the use of vacant retail space at the HemisFair Parking Garage for a monthly rental fee of \$890.00, and providing for an immediate effective date upon passage by 8 affirmative votes.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

FaulknerUSA was recently selected as the preferred developer to construct the City's new Convention Center Headquarters Hotel. The Hotel will be erected on the site currently occupied by the HemisFair Parking Garage. It is anticipated that construction will be underway within the next 6 – 8 months. Due to the fact the City has vacant retail space on the property, the owners of the company are requesting to utilize the area until such time construction commences. The space will be used solely as an administrative office and meeting facility to coordinate the project.

**POLICY ANALYSIS**

This ordinance is consistent with City policy to generate revenue through the leasing of City-owned properties. Previous Parking Facility leases with similar terms and conditions have been approved in the past.

**FISCAL IMPACT**

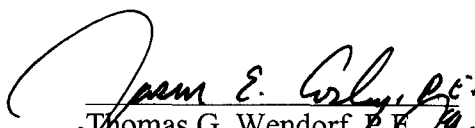
Revenues generated from this Lease Agreement will be \$5,340.00 for the six-month use of this retail space. These funds will be deposited into the Parking Revenue Fund.

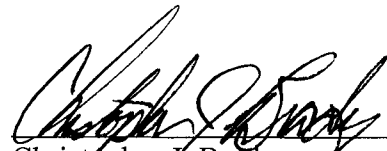
## COORDINATION

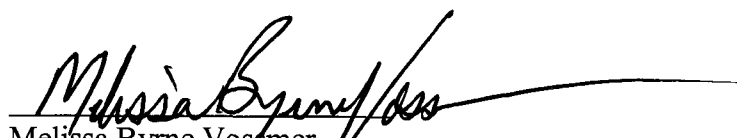
This request has been coordinated with the City Attorney's Office, Risk Management and Asset Management.


## SUPPLEMENTARY COMMENTS

The Discretionary Contract Disclosure required by the Ethics Ordinance is attached.

  
Thomas G. Wendorf, P.E.  
Director of Public Works

  
Christopher J. Brady  
Assistant City Manager

  
Melissa Byrne Vosmer  
Assistant City Manager

  
J. Rolando Bono  
Interim 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:

N. A.

(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;

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.

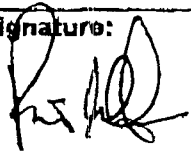
### Political Contributions

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>1</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: 	Title: EXEC VP Company: FAWKNER USA	Date: 21 JAN 2005

<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.