

CONSENT AGENDA
ITEM NO. 19

**CITY OF SAN ANTONIO
ASSET MANAGEMENT DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

SUBJECT: Centro Alameda, Inc.

DATE: May 19, 2005

SUMMARY AND RECOMMENDATIONS

Ordinance approving the execution of a Third Amendment to Lease Agreement – Centro de Artes and a 2005 Funding and Construction Agreement with Centro Alameda, Inc., a Texas non-profit corporation, for the facility to house the Museo Americano located at 101 S. Santa Rosa Street, to extend the date by which the improvements must be completed, modify miscellaneous lease provisions, provide a funding agreement between the parties, and appropriate \$400,000 in 2003 General Obligation Bond Funds associated with this project.

Staff recommends approval.

BACKGROUND

In December 1997 the City authorized a Lease Agreement with Centro Alameda, Inc. (CAI) for the Centro de Artes Building in Market Square, to house the Museo Americano. Earlier that year, CAI executed an affiliation agreement with the Smithsonian Institution to establish a Latino Arts and Cultural Museum in San Antonio. The First Amendment extended the completion date from December 2000 to December 2003, the Second Amendment extended the completion date to April 30, 2005, and both Amendments also provided for other miscellaneous modifications. The exterior shell was substantially completed in early 2004. Since that time, CAI has been working to raise the funds necessary to complete the interior and remaining exterior improvements.

CAI estimates the cost to complete the project at \$1.9M. CAI has applied for a gift specific to this project and in an amount adequate to complete the construction and provide funding for initial exhibits and operating expenses and anticipates receiving final approval in the upcoming weeks. CAI indicates that, subject to the approval of this large gift, construction will restart in late summer and be completed in early 2006. Building stabilization and exhibit construction/installation will take several months with an opening to the public no later than September 30, 2006.

The proposed Third Amendment provides for the extension of the completion date to September 30, 2006 and for CAI to provide five (5) events open to the public at the site between May 2005 and September 2006.

A previous Funding and Construction Agreement provided for \$500,000 in 1999 General Obligation Bond Funds. The 2005 Funding and Construction Agreement provides for \$400,000 in 2003 General Obligation Bond Funds. These funds are available to CAI on a matching basis and upon receipt of adequate funding to complete the project.

POLICY ANALYSIS

This action is consistent with the City's policy to amend Lease Agreements and enter into Funding Agreements as needed to reflect the contractual obligations of the parties.

FISCAL IMPACT

This action provides \$400,000 in 2003 General Obligation Bond Funds to match other monies raised by CAI to complete this project.

COORDINATION

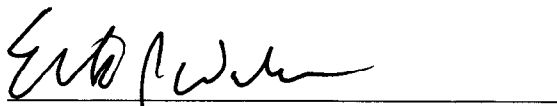
This item has been coordinated with the City Attorney's Office.

SUPPLEMENTARY COMMENTS

A completed Discretionary Contracts Disclosure Form is attached.



Rebecca Waldman
Director, Department of Asset Management



Erik J. Walsh
Assistant to the City Manager

City of San Antonio
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity¹ that is a party to the discretionary contract:

Centro Alameda, Inc. – A non-profit corporation

(2) Identify any individual or business entity which is a *partner, parent* or *subsidiary* business entity, of any individual or business entity identified above in Box (1):

☒ **No partner, parent or subsidiary; or**

(3) Identify any individual or business entity that would be a *subcontractor* on the discretionary contract.

☒ **No subcontractor(s); or**

List Subcontractors ☒ **A**

(4) Identify any *lobbyist* or *public relations firm* employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ **No lobbyist or public relations firm employed; or**

List lobbyists or public relations firms: ☒ **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. A sole proprietor should list the name of the individual and the d/b/a, if any.

(5) Political Contributions

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):

☐ No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Henry R. Munoz III Bob Crittenden Randy Smith Ruth M. Medellin	See Attached Detail See Attached Detail See Attached Detail Julian Castro	\$250.00	2005

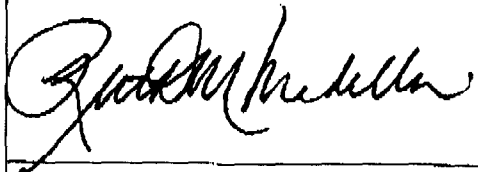
(6) Disclosures In Proposals

Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☐ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

Signature:	Title:	Date:
	Director of Operations	May 10, 2005

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.

Political Contributions

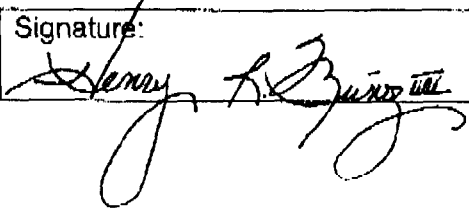
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *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:
<u>Henry R. Muñoz, III</u>		
Chip Haass	\$500	February 23, 2003
Julian Castro	\$250	2003
Roger Flores	\$500	2003
Joel Williams	\$602.72 (in kind)	November 4, 2003
Ron Segovia	\$250	January 9, 2004
Ron Segovia	\$250	February 11, 2004
Joel Williams	\$250	June 11, 2004
Ron Segovia	\$300	June 25, 2004
Chip Haass	\$250	July 9, 2004
Richard Perez	\$250	August 18, 2004
Ray Lopez	\$250	November 10, 2004
Julian Castro	\$1,000	December 23, 2004
Ron Segovia	\$500	February 2, 2005
Ray Lopez	\$250	March 15, 2005
Joel Williams	\$500 (in kind)	March 21, 2005

Disclosure in Proposals


Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise the 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.

N/A

Signature: 	Title: Chief Executive Officer Company: Kell Muñoz Architects, Inc.	Date: 28 March 2005
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<p>This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.</p>		
<p>Signature:</p>  <p>ROBERT J. CRITTENDEN</p>	<p>Title:</p> <p>VICE PRESIDENT</p> <p>Company or D/B/A:</p> <p>CENTRO ALAMEDA, INC.</p>	<p>Date:</p> <p>MAY 11, 2005</p>

* Robert J. Crittenden	Carroll Schubert	\$250	08/20/03
Robert J. Crittenden	Joel Williams	\$100	10/31/03
Robert J. Crittenden	Julian Castro	\$1,000	02/19/05
Robert J. Crittenden	Joel Williams	\$500	02/23/05
Robert J. Crittenden	Carroll Schubert	\$1,000	02/24/05
Robert J. Crittenden	Ray Lopez	\$500	03/15/05
Robert J. Crittenden	Roger Flores	\$250	05/07/05

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☐ No contributions made; If contributions made, list below:

Randy M. Smith Treasurer	Chip Haass	\$100.00	5.24.04


(6) Disclosures in Proposals

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☐ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

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Signature: 	Title: Director of Operations	Date: May 10, 2005

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