

**CITY OF SAN ANTONIO
AVIATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

CONSENT AGENDA
ITEM NO. 54

TO: Mayor and City Council

FROM: Mark H. Webb, Interim Aviation Director

SUBJECT: Extension of Concession Management Contract

DATE: December 1, 2005

SUMMARY AND RECOMMENDATIONS

An ordinance authorizing the extension of the term of the San Antonio International Airport Concession Management Contract with Westfield Concession Management, Inc., for a period of sixty-two (62) days, beginning December 1, 2005 and continuing until January 31, 2006, and, at the discretion of the Interim Aviation Director, to be further extended on a month to month basis, not to exceed an additional 3 months, under the same terms and conditions.

Staff recommends the approval of this extension.

BACKGROUND INFORMATION

The San Antonio International Airport Concession Management Agreement ("Concession Management Agreement") with Westfield Concession Management, Inc. ("Westfield") commenced on October 1, 1999 and expired on September 30, 2005. It was continued through November 30, 2005 by mutual agreement of the parties, pending the completion of the Request for Proposal (RFP) process to select a concession management company for a new contract period. There has been a procedural delay in the selection process and the City of San Antonio, in order to assure seamless service to the traveling public and in consideration of Westfield's planning needs, desires to extend the Contract for a specified period until the completion of the new RFP process. It is anticipated the Request for Proposal process should be completed during this extension time frame. However, should the process require additional time, the contract may be extended on a month to month basis, not to exceed an additional 3 months, by the Interim Aviation Director.

This action would continue the contract under the same terms and conditions as exist under the current contract.

POLICY ANALYSIS

This action is consistent with the City's policy to extend contracts as needed to maintain services to its citizens.

FISCAL IMPACT

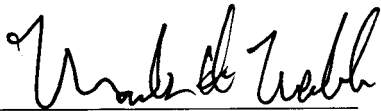
The action continues the financial obligations of the City through the end of the extended term under the same terms and conditions as the existing Contract, which is a payment of 20% of collected airport concession revenue. This expenditure is part of the approved operating budget.

COORDINATION

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

SUPPLEMENTARY COMMENTS

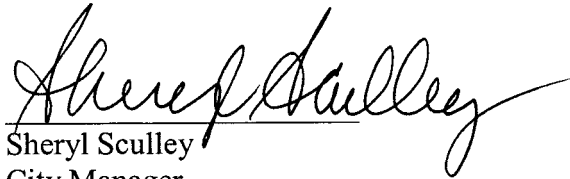
A Discretionary Contracts Disclosure form is attached.



Mark H. Webb
Interim Aviation Director



Roland A. Lozano
Assistant to the City Manager



Sheryl Sculley
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:

Westfield Concession Management

(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

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

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

☐ No subcontractor(s); or

List subcontractors:

Alfaro Consulting Company

DSS Services, Inc.

Customer Service Experts

(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:

William Kaufman and Associates

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: |
|---------------|---------------|---------|-----------------------|
| | | | |

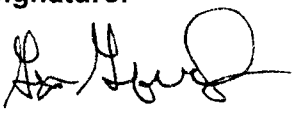
(6) Disclosures in Proposals

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: VICE PRESIDENT Company or D/B/A: | Date: 10/18/05 |
|--|--|-----------------------|

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.

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:

DSS SERVICES, INC

(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

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

VIVIAN SPURLOCK

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

☒ No subcontractor(s); or

List subcontractors:

(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:

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: |
|---------------|---------------|---------|-----------------------|
| | | | |

(6) Disclosures in Proposals

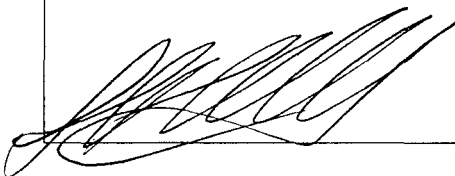
Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating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

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Signature:**Title:**

OWNER
Company or D/B/A:

DSSSERVICE, INC

Date:

10/25/05

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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:

Customer Service Experts, Inc

(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

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

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



No subcontractor(s); or

List subcontractors:

(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:

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: |
|---------------|---------------|---------|-----------------------|
| | | | |

(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:

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Signature:



Title: President &
Company or D/B/A: CEO

Date:

10/25/05

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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:

Alfaro Consulting Company
16911 Hidden Oak Woods
San Antonio, Texas 78248

Contact: Jose A. Alfaro, owner
210-414-1870

(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*

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

NO PARTNERS

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

☒ No subcontractor(s); *or*

List subcontractors: NO SUBCONTRACTORS

(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: NO LOBBYISTS

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(5) Political Contributions

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

| By Whom Made: | To Whom Made: | Amount: | Date of Contribution: |
|---------------|-----------------|---------|-----------------------|
| Jose A Alfaro | Phil Hardberger | 100.00 | 02/21/05 |
| " | Phil Hardberger | 50.00 | 05/31/05 |
| " | Sheila McNeil | 150.00 | 11/10/04 |
| " | Sheila McNeil | 50.00 | 03/07/05 |
| " | Art Hall | 500.00 | 05/07/04 |
| " | Art Hall | 200.00 | 11/09/04 |
| " | Kevin Wolfe | 250.00 | 09/20/05 |

(6) Disclosures in Proposals

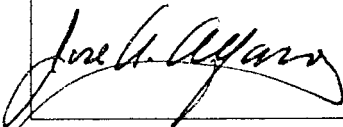
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☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts: NONE

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Signature:



Title: Owner

Company or D/B/A:
Alfaro Consulting Company

Date:

October 20, 2005

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N/A

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List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

Westfield Concession Management, Inc.

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

☒ No subcontractor(s); or

List subcontractors:

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

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List lobbyists or public relations firms:

Kaufman & Associates, Inc.

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| See Attached | | | |


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| | | |
|--|--|-----------------------------|
| Signature:  WILLIAM T. KAUFMAN | Title: PRESIDENT Company or D/B/A: KAUFMAN & ASSOCIATES, INC. | Date: 11-1-05 |
|--|--|-----------------------------|

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LAW OFFICES OF
KAUFMAN & ASSOCIATES, INC.
1250 Frost Bank Tower
100 West Houston Street
SAN ANTONIO, TEXAS 78205-1457
TELE: (210) 227-2000 FAX: (210) 227-2001
www.kaufmanassoc.com

Political contributions of more than \$100 made during the previous twenty-four months to Council members and political action committees.

William T. Kaufman

| | | |
|----------------|----------------------------|--------|
| August 2004 | Ron Segovia Campaign | \$600 |
| August 2004 | Kevin Wolff For Dist. 9 | \$1000 |
| December 2004 | Art Hall Campaign | \$500 |
| January 2005 | Carroll Schubert for Mayor | \$1000 |
| February 2005 | Ray Lopez Campaign | \$500 |
| March 2005 | Chip Haass Campaign | \$500 |
| March 2005 | Joel Williams Campaign | \$500 |
| April 2005 | Roger Flores Campaign | \$500 |
| May 2005 | Phil Hardberger Campaign | \$1000 |
| May 2005 | Ray Lopez Campaign | \$500 |
| May 2005 | Noel Suniga Campaign | \$500 |
| June 2005 | Chip Haass Campaign | \$500 |
| June 2005 | Sheila McNeil Campaign | \$500 |
| June 2005 | Art Hall Campaign | \$500 |
| June 2005 | Phil Hardberger Campaign | \$1000 |
| September 2005 | Kevin Wolff Campaign | \$500 |

(Exhibit "A")