

CONSENT AGENDA
ITEM NO. **27**

**CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
CITY COUNCIL AGENDA MEMORADUM**

TO: Mayor and City Council

FROM: Malcolm Matthews, Director, Parks and Recreation Department

SUBJECT: Assignment and Amendment of El Mercado Lease Agreement

DATE: January 5, 2006

SUMMARY AND RECOMMENDATIONS

This ordinance approves the Assignment of an eight (8) year El Mercado Lease Agreement from Antonio Mares d/b/a "Mares Imports" to Maria Robledo d/b/a "Memories of Mexico" for the use of approximately 800 square feet in Stall E-4 in the Market Square El Mercado in City Council District 1. In addition, the agreement is amended to reflect current lease terms and conditions.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

On May 18, 2000, the City Council approved thirty-four (34) lease agreements in El Mercado, located at 514 W. Commerce in City Council District 1 in Market Square. One agreement was with Mr. Antonio Mares d/b/a "Mares Imports", a sole proprietorship. This agreement was for lease of stall E-4 with approximately 800 square feet of space used for commercial retail purposes. Mr. Mares has requested the City to grant an assignment of his current lease to Ms. Maria Robledo d/b/a "Memories of Mexico", a sole proprietorship.

Mr. Mares has maintained his lease account with the City in good standing and Ms. Robledo has provided the Parks and Recreation Department with financial information and personal references. Ms. Robledo has an established credit history and also owns "Maria's Imports" which is located in stall E-2 in El Mercado, which she has operated in compliance with her lease agreement.

Ms. Robledo will take over the lease payments and use of the space after approval by City Council. Term will be from February 1, 2006 through December 31, 2007. She will be required to pay utility costs and garbage collection fees, abide by use clauses and minimum hours of operation, provide for all improvements and maintenance of the leased space, and provide insurance levels specified by the City's Risk Manager as set forth in the original lease agreement.

The lease agreement is amended to update lease language to include more current provisions regarding operation of the business, such as an "Owner Presence" requirement and limiting events of default by tenant.

POLICY ANALYSIS

It is the long-standing policy of the City to lease public property in El Mercado for retail sales purposes, under regulations established in Chapter 32, Article II of the City Code. The assignment of a lease agreement requires passage of a City ordinance.

FISCAL IMPACT

Ms. Robledo will continue payments according to the original lease agreement, in which an eight (8) year rental rate schedule was established. The year 7 (beginning January 1, 2006) rate is \$1.42 per square foot per month or \$1,136.00 per month. This will increase to a rental rate of \$1.45 per square foot per month, or \$1,160.00 per month, in the last year of the lease agreement (beginning January 1, 2007). Anticipated calendar year revenues are:

February 1, 2006 – December 31, 2006:	\$12,496.00
January 1, 2007 – December 31, 2007:	\$13,920.00

The assignment application required a fee of \$1,000.00, which has been paid by Ms. Robledo and deposited into the City's General Fund.

COORDINATION

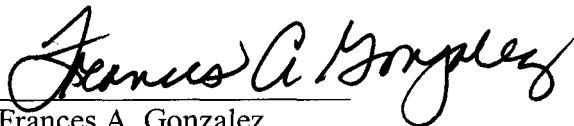
This assignment was coordinated with the City Attorney's Office, Risk Management and the Department of Asset Management.

SUPPLEMENTARY COMMENTS

A Discretionary Contracts Disclosure Form completed by each person is attached.



Malcolm Matthews
Director of Parks and Recreation



Frances A. Gonzalez
Assistant City Manager



Sheryl Sculley
City Manager

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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:

No +

(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:

No +

(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 +

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: *Owner*

Date: *12-13-05*

Company or D/B/A:

MEMORIES OF MEXICO

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

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1X0

(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:

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☒ **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:

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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:

Antonio J. Mares

Title:

Company or D/B/A:

Mares Imports

Date:

12/20/05

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