

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

TO: Sheryl Sculley, City Manager

FROM: Malcolm Matthews, Director, Parks and Recreation

SUBJECT: Renewal of Lease Agreements in Farmer's Market Plaza with Mr. David Kirby d/b/a "Fresh Concepts" and Ms. Lisa Rodriguez d/b/a "Baptismal Boutique"

DATE: March 16, 2006

SUMMARY AND RECOMMENDATIONS

This ordinance approves the renewal of two Farmer's Market Plaza Lease Agreements with Mr. David Kirby d/b/a "Fresh Concepts" for Stall S-15 and Ms. Lisa Rodriguez d/b/a "Baptismal Boutique" for Stall S-10, in City Council District 1.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Following renovations to the Farmer's Market Plaza Stall Store lease areas, on March 4, 2004, City Council passed Ordinance No. 98919 authorizing Lease Agreements with twenty-three (23) tenants with terms of five years and six months (5 ½ years). Through this same ordinance, lease agreements were also authorized with "Fresh Concepts" and "Baptismal Boutique" who were then placed on probationary status as a result of previous delinquencies. These probationary lease terms have now expired and these tenants are now eligible to renew under the original lease terms as established by Ordinance No. 98919. "Fresh Concepts" and "Baptismal Boutique" have remained current on rent payments to the City.

This ordinance would approve renewal of these Lease Agreements, to be effective April 1, 2006 through August 31, 2009 to coincide with the expiration date of the other 23 stall tenants in the Farmer's Market Plaza.

POLICY ANALYSIS

It is the long-standing policy of the City of San Antonio to lease public property in the Farmer's Market Plaza for retail sales purposes under regulations established in Chapter 32, Article II of the City Code of the City of San Antonio. The renewal of these leases is consistent with the probationary provisions approved by City Council through Ordinance No. 99477.

FISCAL IMPACT

As per the rental rate schedule established by Ordinance No. 98919, March 4, 2004, the following will be the rent payments for "Fresh Concepts" (a half stall) and "Baptismal Boutique" (a full stall):

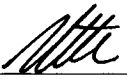
<u>Lease Yr.</u>	<u>Rate per Month / Year</u>	
	<u>Full Stall</u>	<u>Half Stall</u>
April 1, 2006 – February 28, 2007	\$500.00 / \$6,000.00	\$375.00 / \$4,500.00
March 1, 2007 – February 29, 2008	\$625.00 / \$7,500.00	\$400.00 / \$4,800.00
March 1, 2008 – August 31, 2009	\$650.00 / \$7,800.00	\$425.00 / \$5,100.00

COORDINATION

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

SUPPLEMENTARY COMMENTS

A Discretionary Contracts Disclosure Form is attached.




Malcolm Matthews
Director of Parks and Recreation



Frances A. Gonzalez
Assistant City Manager

Approved for Council Consideration:



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:

NR

(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:

NR

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

☐ No subcontractor(s); or

List subcontractors:

NR

(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:

NR

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:

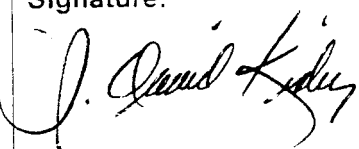
(6) Disclosures in Proposals

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: Company or D/B/A:	Date: 2/12/06
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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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Attach additional sheets if space provided is not sufficient.*

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

N-A

(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:

N-A

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

☐ No subcontractor(s); or

List subcontractors:

N-A

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☐ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

N-A

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☒ **NA** No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:

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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: *Owner*

Date:

Company or D/B/A:

2-17-06

*Baptistal
Barrigue*

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