

CONSENT AGENDA
ITEM NO. **12**

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

TO: Sheryl Sculley, City Manager

FROM: Shawn P. Eddy, Interim Director, Department of Asset Management

SUBJECT: Ordinance approving a Consent to Assignment of Lease Agreement for Quizno's St. Mary's Street Garage Lease Agreement

DATE: March 30, 2006

SUMMARY AND RECOMMENDATIONS

An Ordinance consenting to the assignment of the Quizno's lease in the St. Mary's Street Garage located in District 1 and authorizing a form of document that evidences the consent and contains agreements ancillary to the consent.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

In November 2002, the City authorized the execution of a ten-year and 150 day Lease Agreement between the City of San Antonio and JMR Development, Inc., a Texas Corporation, DBA Quizno's Classic Subs, for the use of approximately 1,742 square feet of retail space and two assigned parking spaces in the St. Mary's Street Parking Garage, located at the intersection of Travis and North St. Mary's Streets. The lease provides tenant with 2 five-year options to renew.

With this action, the leasehold interest of JMR Development, Inc., will be assigned to Too Q'd, L.L.C. as allowed per the Lease.

POLICY ANALYSIS

Approval of this agreement is consistent with the City's policy to consider assignments and other modifications necessary in its Lease Agreements.

FISCAL IMPACT


Per the original lease, JMR Development, Inc. has been paying the City a monthly rent of \$2,613.00 or an annual rate of \$18.00 per square foot, monthly Common Area Maintenance (CAM) charges of \$137.91 or an annual rate of \$0.95 per square foot, and \$125.00 per month per parking space. As such, these same terms and rates will apply to Too Q'd, L.L.C. In addition, the City holds a \$2,750.91 security deposit; however, this assignment will require the assignee to deposit an additional \$2,750.91 to the security deposit. No assignment fee (\$1,000) will be collected per terms of the original Lease.

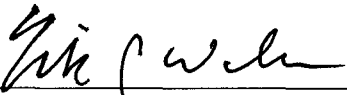
COORDINATION

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

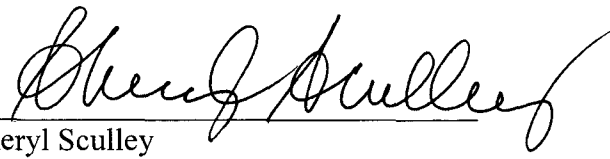
SUPPLEMENTARY COMMENTS

The required Discretionary Contract Disclosure Form is attached.


Shawn P. Eddy, Interim Director
Department of Asset Management


Erik J. Walsh
Assistant City Manager

Approved for Council Consideration:


Sheryl Sculley
City Manager

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:

Marion Schaefer

(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.

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):

<input checked="" type="checkbox"/> 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.

<input checked="" type="checkbox"/> 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: <i>Marion Schaefer</i>	Title: Too <i>President</i> Company or D/B/A: <i>Too Q'd, L.L.C.</i>	Date: <i>3-09-06</i>
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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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ERIC L HETTE

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☒ 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:

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(5) Political Contributions:

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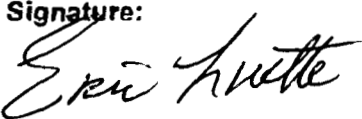
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Signature: 	Title: Company or D/B/A:	Date: 03/09/06
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City of San Antonio
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(1) Identify any individual or business entity that is a party to the discretionary contract:

JIM BOYIE

MICHAEL EASTERLING, ROB WILBOYN

(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:

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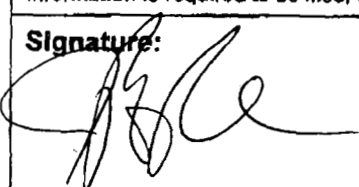
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Signature: 	Title: President Company or D/B/A: SMR Development	Date: 3-9-06
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By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
Robbie Schaefer	VAL PAC - Valero Political Action Committee	346.68 574.80	Monthly Payroll deduction - total given for calendar year based upon W-2 2004 2005

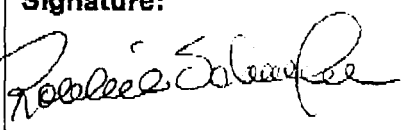
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Signature: 	Title: <u>Guarantor</u> Company or D/B/A:	Date: <u>3/9/06</u>
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