

ORDINANCE 2018-10-18-0827

**AMENDING THE LA VILLITA LEASE AGREEMENT
WITH BRANDY GARCIA D/B/A B.LINK TO RENEW THE
TERM THROUGH OCTOBER 31, 2019 FOR AN ANNUAL
RENT OF \$3,440.85.**

* * * * *

WHEREAS, Ordinance 2017-10-19-0808 approved a one-year La Villita Lease with Brandy Garcia d/b/a B.link to operate a retail shop from Building 14B comprised of 166 square feet within the La Villita Historic Arts Village; and

WHEREAS, the agreement, which will expire on October 31, 2018, provides for two, one-year renewals with City Council approval; and

WHEREAS, on September 6, 2018, B.link notified the City of its intent to exercise the first of its one-year renewal options; and

WHEREAS, approval of this Ordinance will authorize the amendment of B.link's agreement to renew the term through October 31, 2019; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee, or the Director of the Center City Development and Operations Department or his designee, is authorized to execute the amendment to the lease agreement in Historic La Villita Arts Village with Brandy Garcia d/b/a B.link. A copy of the Amended Lease Agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funds generated by this ordinance will be deposited as indicated in table:

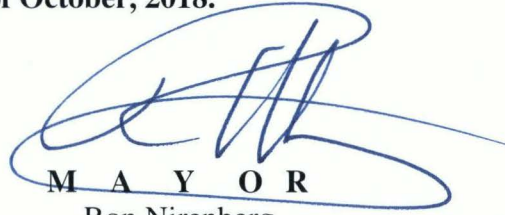
| Amount | General Ledger | Fund | Internal Order |
|-------------|----------------|----------|----------------|
| \$ 2,683.89 | 4407720 | 11001000 | 219000000007 |
| \$ 517.92 | 4407718 | 11001000 | 219000000007 |
| \$ 239.04 | 4401111 | 11001000 | 219000000007 |

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SW/ah
10/18/18
Item #13

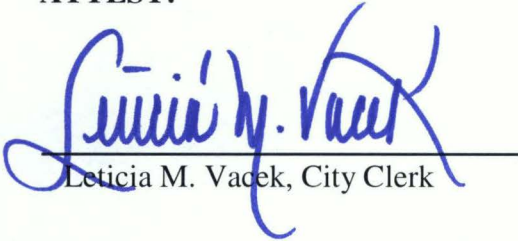
SECTION 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 18th day of October, 2018.



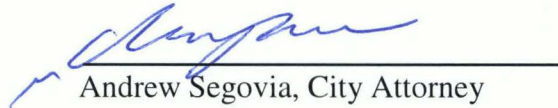
M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

| | | | | | | | |
|---------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| Agenda Item: | 13 (in consent vote: 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27) | | | | | | |
| Date: | 10/18/2018 | | | | | | |
| Time: | 09:41:26 AM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | Ordinance amending the La Villita Lease Agreement with Brandy Garcia d/b/a B.link to renew the term through October 31, 2019 for an annual rent of \$3,440.85 [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations] | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Ron Nirenberg | Mayor | | x | | | | |
| Roberto C. Treviño | District 1 | | x | | | x | |
| William Cruz Shaw | District 2 | | x | | | | x |
| Rebecca Viagran | District 3 | | x | | | | |
| Rey Saldaña | District 4 | | x | | | | |
| Shirley Gonzales | District 5 | | x | | | | |
| Greg Brockhouse | District 6 | | x | | | | |
| Ana E. Sandoval | District 7 | | x | | | | |
| Manny Pelaez | District 8 | | x | | | | |
| John Courage | District 9 | | x | | | | |
| Clayton H. Perry | District 10 | | x | | | | |

SW/ah
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ATTACHMENT I

First Amendment of La Villita Lease

(Brandy Garcia d/b/a B.link, Building 14B)

This First Amendment of the La Villita Lease is between Lessee and the City of San Antonio ("Lessor"), pursuant to the Ordinance Authorizing Renewal.

1. Identifying Information.

Lessee: Brandy Garcia d/b/a B.link

Lessee's Address: 418 La Villita, San Antonio, Texas 78205

Lease: Building #14B located at 418 Villita Street that consists of a total area of 166 square feet...

Ordinance Authorizing

Original Lease: 2017-10-19-0808

Ordinance Authorizing

First Renewal:

Beginning of First

Renewal Term: 11/01/2018

Expiration of First

Renewal Term: 10/31/2019

2. Defined Terms.

2.1 All terms used in this instrument and not otherwise defined herein but defined in the Lease or any previous amendment to it have the meanings previously ascribed to them.

3. Term.

3.1 The term of the lease is extended from the Beginning of First Renewal Term through and including the Expiration of First Renewal Term.

4. Rental.

4.1 The table found under Section 3.02. is deleted in its entirety and replaced with the following:

| Term | Base Rent | | Utilities | | CAM | | Total |
|------------------|-----------|-------------------|-----------|-------------------|--------|-------------------|----------|
| | Rate | Monthly Sub-Total | Rate | Monthly Sub-Total | Rate | Monthly Sub-Total | |
| 11/1/18-10/31/19 | \$1.41 | \$234.06 | \$0.26 | \$43.16 | \$0.12 | \$19.92 | \$297.14 |

5. Renewal

5.1 Section 5.03 is deleted in its entirety and replaced with the following:

If Tenant is not in default under the Lease, Tenant may ask to renew this Lease for an additional one-year term by giving Landlord three months prior written notice before expiration of the current term. Renewal is effective only after written notice of intent to renew is received, agreement on rent for renewal term is negotiated, and proposed renewal is approved in writing by the Director of the Center City Development and Operations Department and/or their designee.

No Default.

5.1 Neither Lessor nor Lessee is in default under the Lease, and neither party is aware of a cause of action against the other arising out of or relating to the period before this renewal.

6. Same Terms and Conditions.

6.1 This renewal instrument is a fully integrated statement of the modifications to the Lease. Except as expressly modified by this renewal, the Lease remains a comprehensive statement of the rights and obligations of Lessor and Lessee. Lessor and Lessee reaffirm the Lease as modified by this agreement and represent to each other that, except as expressly stated in this instrument, no written right or obligation of either party has been waived such that it would impair exercise of the right or enforcement of the obligation on a future occasion.

7. Non-Discrimination

7.1 As a party to this contract, Lessee understands and agrees to comply with the Non-Discrimination Policy of the City of San Antonio contained in Chapter 2, Article X of the City Code and further, shall not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, veteran status, age or disability, unless exempted by state or federal law, or as otherwise established herein.

8. Public Information.

8.1 Lessee acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public. Nothing in this agreement waives an otherwise applicable exception to disclosure.

Remainder of Page Left Intentionally Blank

In Witness Whereof, the parties have caused their representatives to set their hands.

Lessor

Lessee

City of San Antonio, a Texas municipal corporation

Brandy Ann Garcia
d/b/a **B.link**

By: _____

By:  _____

Printed Name: _____

Printed Name and Title: Brandy Garcia - Owner

Title: _____

Date: _____

Date: 9/28/18 _____

Attest:

City Clerk

Approved as to Form:

City Attorney