

AN ORDINANCE 2018-04-19-0285

AUTHORIZING A FOURTH RENEWAL OF A PARKING LICENSE AGREEMENT WITH NIX HOSPITAL SYSTEM, L.L.C. FOR THE CONTINUED USE OF 400 PARKING SPACES LOCATED IN THE HOUSTON STREET PARKING GARAGE FOR A PERIOD OF FIVE YEARS COMMENCING ON MAY 1, 2018 AND RESULTING IN THE TOTAL ANNUAL REVENUE OF \$585,289.00 TO THE CITY.

* * * * *

WHEREAS, the Nix Hospital has leased 400 parking spaces in the Houston Street Parking Garage since 1998 when a five-year parking license agreement with three renewal periods of five years each was awarded; and

WHEREAS, the Nix Hospital is now seeking to renew the parking license agreement for a period of five years commencing on May 1, 2018 and terminating on April 30, 2023; and

WHEREAS, the 400 parking spaces consist of 362 above-ground level spaces and 38 basement level spaces with Nix paying \$117.92 for each space above-ground level and \$133.72 for each basement level space per month; and

WHEREAS, under the terms of the renewal, the Nix will begin paying \$120.00 and \$140.39, respectively, per space per month beginning on May 1, 2018; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of a fourth renewal of a parking license agreement with Nix Hospital System, L.L.C are hereby approved. The City Manager, or her designee, is authorized to execute the fourth amendment in accordance with this Ordinance. Copies of the renewal in substantially final form are attached as “**Attachment I**” and made a part of this Ordinance. Final copies of the renewal shall be attached when executed.

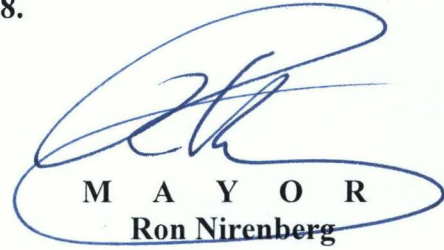
SECTION 2. Funds generated by this Ordinance will be deposited into Fund 53001000, Internal Order 219000000127 and General Ledger 4401180.

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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance

SECTION 4. This Ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

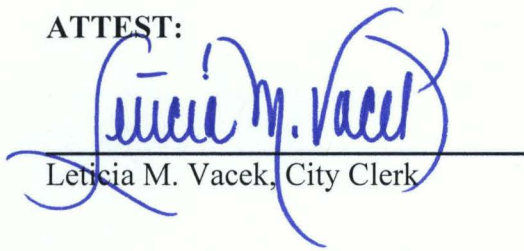
RR
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PASSED AND APPROVED on this 19th day of April, 2018.



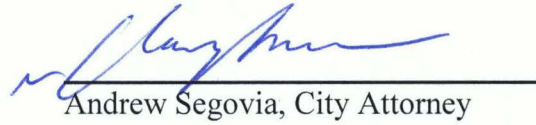
M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	10						
Date:	04/19/2018						
Time:	10:36:25 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance renewing the parking agreement with Nix Hospital System, LLC through April 30, 2023 for the use of 400 parking spaces in the Houston Street Parking garage resulting in total annual revenue of \$585,298.00. [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				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x			x	
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

RR
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Attachment I

4th Renewal of License Agreement

(Nix Hospital Parking)

1. Identifying Information.

Ordinance Authorizing 4th Renewal:

Associated Ordinances: 87741 (April 30, 1998);
98803 (February 12, 2004);
2008-05-01-0346;
2011-12-15-1058;
2012-02-09-0091;
2013-05-30-0362.

Licensor: City of San Antonio

Licensor's Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Center City Development and
Operations Department)

Licensee: Nix Hospitals System, LLC

Licensee's Address: 414 Navarro Street, Suite 600, San Antonio, Texas
78205-2523

1. Defined Terms.

The term "License" includes the Original License and all amendments to it. All terms used in this instrument and not otherwise defined in it but defined in the License have the meanings from the License.

2. Renewal.

The term of the License, originated under Ordinance 87741, is extended from May 1, 2018 through April 30, 2023. Licensee must then vacate the Premises no later than the Expiration of 4th Renewal Term, unless the License term is further extended by written agreement of the parties and approved by ordinance by Licensor's City Council.

3. No Default.

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

4. Same Terms and Conditions.

This instrument is a fully integrated statement of the modifications to the License. Except as expressly modified by this renewal, the License remains a comprehensive statement of the rights and obligations of Licensor and Licensee. Licensor and Licensee reaffirm the License as modified by this agreement and any subsequent agreements properly approved and executed.

5. Public Information.

Licensee 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.

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

Licensor

Licensee

City of San Antonio, a Texas municipal corporation

Nix Hospitals System, LLC a Texas limited liability company

By: _____

By:   _____

Printed Name: _____

Printed Name: John Wisniewski/James Summersett

Title: _____

Title: CFO /Interim CEO

Date: _____

Date: 3/7/2010

Attest:

City Clerk

Approved as to Form:

City Attorney