

AN ORDINANCE

AUTHORIZING A 3- YEAR LEASE AND OPTIONAL 3-YEAR RENEWAL WITH O'LIVA, LLC. FOR APPROXIMATELY 2,509 SQ. FT OF RETAIL SPACE AND 296 SQ. FT OF STORAGE SPACE LOCATED WITHIN THE PLAZA DE ARMAS BUILDING FOR USE AS A CAFÉ AND WAIVING THE PERMIT FEE ASSOCIATED WITH PUBLIC SIDEWALK USE.

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

SECTION 1. The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the City a lease agreement substantially in the form of **Attachment I**, which is incorporated by reference for all purposes as if fully set forth. The City Manager and designee, severally, should take all other actions reasonably necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form and executing and delivering all ancillary instruments and agreements conducive to effectuating the transaction.

SECTION 2. The City Manager and her designee, the Director of the Downtown Operations Department, severally, are hereby authorized to waive Chapter 32, Article IV, Sidewalk Café Permit, Section 32-178 (2) *fees* of the City Code of San Antonio Texas, involving the applicable downtown business district sidewalk use permit fee for so long as O'Liva, LLC under the term of the lease observes and complies with the adopted City of San Antonio Policies and Procedures For Sidewalk Cafés in the Downtown Area.

SECTION 3. Funds generated by this Lease will be deposited into Fund 11001000, Internal Order 219000000000 and General Ledger 4407720.

SECTION 4. 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.

SECTION 5. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

SECTION 6. PASSED AND APPROVED this 20th day of March, 2014.

M A Y O R
Julián Castro

Attest:

Approved As To Form:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney