

ORDINANCE 2019-06-13-0501

AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO EXERCISE THE FIRST RENEWAL OPTION OF THE LEASE AGREEMENT WITH THE PUBLIC THEATER OF SAN ANTONIO FOR MANAGEMENT AND OPERATIONS OF THE SAN PEDRO PLAYHOUSE WITHIN SAN PEDRO SPRINGS PARK FOR A TERM OF 10 YEARS BEGINNING ON MAY 31, 2019, AND EXPIRING ON MAY 31, 2029.

* * * * *

WHEREAS, the Public Theater of San Antonio (Theater) was established in 1912 as the San Antonio Dramatic Club and became incorporated in 1927 as the San Antonio Little Theater; and

WHEREAS, the Theater has undergone many name changes, it remains the most historic theater in South Texas; and

WHEREAS, in 1958, a formal lease agreement for management and operations of the San Pedro Playhouse located in San Pedro Springs Park was established between the City and the Theater; and

WHEREAS, on May 19, 1994, the City and the Theater entered into the current lease agreement for management and operations of the San Pedro Playhouse (Lease Agreement); and

WHEREAS, the initial term of the Lease Agreement was 25 years, expiring May 30, 2019, with two (2) ten-year renewal periods; and

WHEREAS, the Theater has met the requirements in the Lease Agreement that the Theater be compliant with the terms and conditions and request to exercise the 10-year renewal; and

WHEREAS, the Theater is planning capital improvements located on the lease premises; and

WHEREAS, the improvements are consistent with the contract terms that require the Theater to maintain and improve the premises at the Theater's cost; and

WHEREAS, in lieu of rent, the Theater shall be responsible for management and operations of the San Pedro Playhouse, including interior maintenance and preventative maintenance of the building and utility usage; and

WHEREAS, all other terms and conditions of the current Lease Agreement will remain in effect; **NOW THEREFORE:**

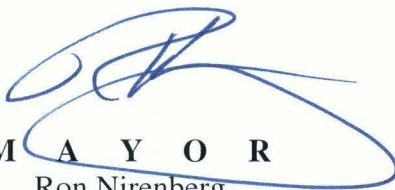
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Parks and Recreation Department or designee, is hereby authorized to execute Amendment #1 to exercise the first renewal option of the Lease Agreement with The Public Theater of San Antonio for management and operations of the San Pedro Playhouse within San Pedro Springs Park for a term of 10 years beginning on May 31, 2019 and expiring on May 31, 2029. A copy of the Amendment #1 of The Public Theater Lease is attached hereto and incorporated herein for all purposes as **Exhibit A**.


SECTION 2. There is no fiscal impact associated with this Ordinance.

SECTION 3. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 13th day of June, 2019.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	25 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21A, 21B, 22, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 48, 50, 51A, 51B, 52)
Date:	06/13/2019
Time:	10:10:52 AM
Vote Type:	Motion to Approve
Description:	Ordinance renewing the Lease Agreement with The Public Theater of San Antonio for management and operations of the San Pedro Playhouse within San Pedro Springs Park for a term of 10 years beginning on May 31, 2019 and expiring on May 31, 2029. There is no fiscal impact associated with this ordinance. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x			x	
Art A. Hall	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				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

SW/ah
6/13/19
Item No. 25

EXHIBIT A

EXHIBIT A

**LEASE AGREEMENT
SAN PEDRO PLAYHOUSE
AMENDMENT #1**

This Amendment #1 ("Amendment") to the Lease Agreement ("Agreement") is by and between the City of San Antonio, a Texas municipal corporation ("City"), acting by and through its City Manager or his designee, pursuant to Ordinance No. _____ passed and approved on _____, 2019, and The Public Theater of San Antonio, a Texas non-profit organization ("Tenant").

WHEREAS, pursuant to Ordinance No. 80181, passed and approved on May 19, 1994, City and Tenant entered into a Lease Agreement for the San Pedro Playhouse located in San Pedro Springs Park; and

WHEREAS, City and Tenant mutually desire to enter into Amendment #1 to exercise a renewal option for a term of ten (10) years beginning on May 31, 2019 and expiring May 31, 2029; and

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth below, City and Tenant agrees as follows:

ARTICLE 3. TERM IS MODIFIED AS FOLLOWS:

Paragraph 3.3 is added as follows:

3.3 The first renewal option of this Agreement for a term of ten (10) years beginning May 31, 2019 and expiring on May 31, 2029, if not earlier terminated according to the terms hereof, is hereby exercised.

Except as modified herein, all terms and conditions contained in the Agreement entered into under the authority of the above referenced ordinances shall remain in full force and effect.

EXECUTED on this _____ day of _____, 2019.

CITY:
City of San Antonio, a Texas
Municipal Corporation

TENANT:
The Public Theater of San Antonio

By: _____
Xavier D. Urrutia, Parks and Recreation Director

By: _____
George Green, CEO and Artistic Director

Attest: _____
City Clerk

Approved as to Form: _____
City Attorney