

ORDINANCE 2018-06-14-0443

**AMENDING THE LA VILLITA RESTAURANT LEASE AGREEMENT
WITH TANYA GOMEZ CLARK D/B/A LA VILLITA CAFE TO RENEW THE
TERM THROUGH JULY 31, 2020.**

* * * * *

WHEREAS, ordinance 2015-06-18-0557 approved a three-year La Villita Restaurant Lease with Tanya Gomez Clark d/b/a La Villita Café (La Villita Café) to operate a restaurant from Building 9 comprised of 1,713 square feet within the La Villita Historic Arts Village; and

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

WHEREAS, on March 1, 2018, La Villita Café notified the City of its intent to exercise the first of its two renewal options; and

WHEREAS, approval of this Ordinance will authorize the amendment of La Villita Café's agreement to renew the term through July 31, 2020; **NOW THEREFORE:**

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

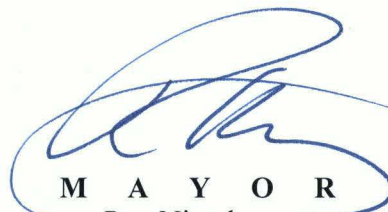
SECTION 1. The City Manager or her designee, or the Director of the Center City Development and Operations or his designee, is authorized to execute an amendment to the La Villita Restaurant lease agreement with Tanya Gomez Clark d/b/a La Villita Cafe for the renewal of the lease through July 31, 2020. A copy of the lease amendment in draft form is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 219000000007 and General Ledgers 4407720, 4407718 and 44077011.

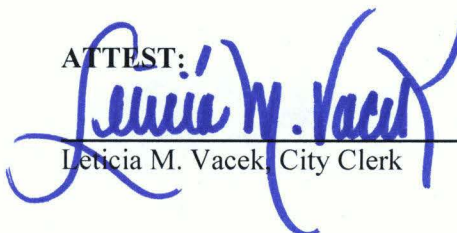
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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.

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

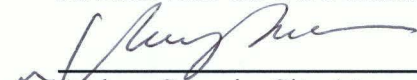
PASSED AND APPROVED this 14th day of June, 2018.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	18 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19A, 19B, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33)						
Date:	06/14/2018						
Time:	10:22:38 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending the La Villita Restaurant Lease Agreement with Tanya Gomez Clark d/b/a La Villita Cafe to renew the term through July 31, 2020. [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
6/14/18
Item No. 18

ATTACHMENT I

First Amendment of La Villita Restaurant Lease

(Tanya Gomez Clark d/b/a La Villita Café – Building #9)

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

1. Identifying Information.

Lessee: Tanya Gomez Clark d/b/a La Villita Café

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

Lease: Building #9 located at 418 Villita Street that consists of a total area of 1,713 square feet, and to the extent applicable, temporary concession stand areas that received prior written approval from the Director.

Ordinance Authorizing

Original Lease: 2015-06-18-0557

Ordinance Authorizing

First Renewal:

Beginning of First

Renewal Term: August 1, 2018

Expiration of First

Renewal Term: July 31, 2020

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.

Section 4.1 of the Agreement is deleted in its entirety and replaced with the following:

4.1 The rental may be paid in one lump sum in advance or in monthly installments in advance on the first day of each month in accordance with the following payment schedule:

Term	Base Rent		Cam		Utilities		Total
	Rate	Monthly Sub-Total	Rate	Monthly Sub-Total	Rate	Monthly Sub-Total	
8/1/18-7/31/19	\$0.81	\$1,387.53	\$0.12	\$205.56	\$0.26	\$445.39	\$2,038.47
8/1/19-7/31/20	\$0.83	\$1,421.79	\$0.12	\$205.56	\$0.27	\$462.51	\$2,089.86

5. 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.

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

Lessor

Lessee

City of San Antonio, a Texas municipal corporation

Tanya Gomez Clark d/b/a La Villita Café

By: _____

By: J Clark _____

Printed Name: _____

Printed Name and Title: T Clark - President

Title: _____

Date: _____

Date: 5/22/13 _____

Attest:

City Clerk

Approved as to Form:

City Attorney