

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.

AN ORDINANCE

AUTHORIZING THE SECOND AMENDMENT TO THE RIVER WALK LEASE AGREEMENT WITH RIVERTON SUITES, LTD., D/B/A HOTEL CONTESSA TO EXTEND THE LEASE AGREEMENT TERM THROUGH NOVEMBER 31, 2020 AND REVISE THE LEASE RATE CALCULATION.

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WHEREAS, Ordinance 98951 authorized an amended and restated agreement with Hotel Contessa for use of 562 square feet of River Walk patio space for a five-year term commencing December 1, 2005; and

WHEREAS, the agreement also provided for three five-year renewal options, each subject to City Council approval; and

WHEREAS, the first renewal option, authorized by Ordinance 2010-11-18-0984, extended the agreement's term through November 31, 2015; and

WHEREAS, in July 2015, the Hotel Contessa notified the City of its intent to exercise its second renewal option; and

WHEREAS, this ordinance will authorize the second amendment to the agreement with Hotel Contessa, which will extend the agreement's term through November 31, 2020; and

WHEREAS, additionally, the second amendment will revise the agreement's lease rate calculation from an annual CPI adjustment to a fixed annual increase; and

WHEREAS, the Hotel Contessa will pay a rate of \$1.67 per square foot per month for the first year of the renewal term with the rate increasing 2.5% annually; and

WHEREAS, lastly, the second amendment adds a late fee provision of \$50.00 to the agreement;
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 her designee, is authorized to execute a second amendment to the River Walk Lease Agreement with Riverton Suites, Ltd., d/b/a Hotel Contessa to extend the lease agreement term through November 31, 2020 and revise the lease rate calculation. A copy of the second amendment to the 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 into Fund 29093000, WBS Element OR-00001-01-01-01 and General Ledger 4407711.

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 ____ day of _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney