

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

AN ORDINANCE

APPROVING A PATIO LICENSE AGREEMENT WITH MTC REAL ESTATE, LLC FOR 4,116 SQUARE FEET OF PATIO SPACE IN MARKET SQUARE THROUGH DECEMBER 31, 2024 FOR A TOTAL TEN YEAR RENTAL OF \$600,236.28.

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WHEREAS, the City of San Antonio owns and manages Market Square, a unique and historic public market place that plays a vital role in the life, culture and economy of San Antonio; and

WHEREAS, Market Square, with a retail history dating back to the nineteenth century, provides a unique and authentic Mexican Market experience, offering retail sales, holiday celebrations, and year round entertainment; and

WHEREAS, there are currently 56 businesses in the Farmers Market, 33 in El Mercado and 13 in Market Square Plaza, ranging from cafes to shops specializing in local, regional and Latin American products; and

WHEREAS, MTC Real Estate LLC (MTC) licenses 6,519 square feet of patio space for dining adjacent to Mi Tierra and La Margarita restaurants and leases 14,615 square feet of City property for the purpose of operating the Dolorosa Street Parking Lot; and

WHEREAS, for the use of these spaces, MTC pays the City \$142,877.00 per year; and

WHEREAS, in an effort to activate more Market Square patio space, MTC is introducing four new businesses in previously vacant buildings; and

WHEREAS, Fruteria Cano is operating in 202 Produce Row, Viriana's Mexican Imports in 206 Produce Row and Fiesta Winery in 102 S. Concho; and

WHEREAS, in the near future, MTC will begin operating Viva Villa Taqueria at the corner of 111 S. Concho and 901 Dolorosa; and

WHEREAS, MTC and the City are now proposing to create a license agreement to utilize 4,116 square feet of patio space; and

WHEREAS, for 2015, MTC will pay \$1.11 per square foot per month or \$4,568 per month; and

WHEREAS, the rental rate will increase 2.5% annually; and

WHEREAS, by utilizing these patio spaces, MTC will activate the licensed premises as well as enhance the operations of multiple businesses; **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 Department for Culture and Creative Development or his designee, is authorized to execute a Patio License Agreement with MTC Real Estate, LLC for 4,116 square feet of patio space in Market Square through December 31, 2024 for a total ten year rental of \$600,236.28. A copy of the license 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 29604001, Internal Order 228000000148 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