

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

**AN ORDINANCE**

**AUTHORIZING A \$147,003.50 REIMBURSEMENT TO LANDRY'S RESTAURANTS, INC. FOR REPAIR TO THE TOWER OF THE AMERICAS.**

\* \* \* \* \*

**WHEREAS**, on November 18, 2004, City Council approved Ordinance 99996 with Willie G's Post Oak, Inc. dba Landry's Restaurants, Inc. (Landry's) to renovate and operate the Tower of the Americas in Hemisfair Park for a 15 year term with one 10 year renewal; and

**WHEREAS**, following extensive renovation, the Tower re-opened to the public on June 22, 2006; and

**WHEREAS**, per the agreement, Landry's is responsible for maintenance of the elevators and interior improvements while the City is responsible for maintenance of the Tower's mechanical systems and structural components; and

**WHEREAS**, in October, Landry's worked with WJE Engineers and Winco of South Texas to investigate and propose improvements to rusted horizontal members supporting exterior concrete stucco on the underside of the Tower restaurant; and

**WHEREAS**, prior to engaging Winco to undertake improvements, Landry's advised the City of their investigation, and proposed engaging Winco to undertake repair work at the Tower of the Americas and then request reimbursement from the City following Landry's payment to Winco; and

**WHEREAS**, due to the seriousness of the repair, the specialized nature of the work, and the possible impact to public safety by delay, Landry's was authorized to contract with Winco and then seek reimbursement from the City with the understanding the City may reimburse Landry's via direct payment or rent credit; and

**WHEREAS**, this plan of action was coordinated with the Transportation and Capital Improvements, Building and Equipment Services Department, and the City Attorney's Office; and

**WHEREAS**, repairs were completed in December, and the City received Landry's proof of payment to Winco on March 31; and

**WHEREAS**, the City will reimburse Landry's in the amount of a \$113,516.00 payment and a \$33,487.50 rent credit; **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 Office or her designee, is authorized to reimburse Landry's Restaurants Inc. ("Landry's") in the total amount of \$147,003.50. This reimbursement shall take the form of a payment of \$113,516.00 to Landry's and a credit against rent owed by Landry's for the Tower of the Americas lease in the amount of \$33,487.50.

**SECTION 2.** Funding for this ordinance is available as part of the Fiscal Year 2014 budget per the table below.

<b>Amount</b>	<b>General Ledger</b>	<b>Cost Center</b>	<b>Fund</b>
\$105,516.00	5204050	3506010003	76001000
\$ 8,000.00	5201040	1902010001	11001000
Total Amount	\$113,516.00		

**SECTION 3.** Payment not to exceed \$113,516.00 is authorized to Landry's Restaurants, Inc. and should be encumbered with a purchase order.

**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.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

**M A Y O R**  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

\_\_\_\_\_  
Robert F. Greenblum, City Attorney