

ORDINANCE 2018-12-13-1013

**AMENDING A LEASE WITH THE BROOKS DEVELOPMENT AUTHORITY TO EXPAND THE USE OF OFFICE AND LAB SPACE LOCATED AT 2509 KENNEDY CIRCLE TO SUPPORT OF SAN ANTONIO METROPOLITAN HEALTH DISTRICT PROGRAMS. FUNDING FOR THE REMAINDER OF FY 2019 IS AVAILABLE FROM PUBLIC HEALTH EMERGENCY PREPAREDNESS AND PUBLIC CENTER FOR ENVIRONMENTAL HEALTH GRANT FUNDS AND THE GENERAL FUND.**

\* \* \* \* \*

**WHEREAS**, the San Antonio Metropolitan Health District (SAMHD) entered into a lease agreement dated January 6, 2011 with the Brooks Development Authority (BDA) for office and laboratory space on the Brooks City-Base campus at 2509 Kennedy Circle which is utilized by SAMHD's Public Health Emergency Preparedness (PHEP), Public Center for Environmental Health (PCEH), and Laboratory Services divisions; and

**WHEREAS**, these functions are responsible for all activities regarding public health all-hazards preparedness for the City of San Antonio, Bexar County, and all municipal jurisdictions within Bexar County; and

**WHEREAS**, this ordinance will authorize an amendment to the lease agreement with BDA, for additional space and an increase in monthly rent in accordance with the expansion; **NOW THEREFORE**:

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

**SECTION 1.** The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the City an amendment to the lease agreement with the Brooks Development Authority which is attached hereto and incorporated herein for all purposes as **Exhibit I**.

**SECTION 2.** For year one of the lease amendment, funding is available from the PHEP grant, Fund 2201636037 and Internal Order 136000000745, and the Biowatch grant, Fund 2206536004 and Internal Order 136000000761. Funds for future years are contingent upon grant awards and appropriation by City Council.

**SECTION 3.** Payment, not to exceed the budgeted amounts, is authorized to the Brooks Development Authority and should be encumbered with a purchase order. The following Funds, Internal Orders, Cost Centers, and General Ledger numbers listed are designated for use in the accounting of this contract:

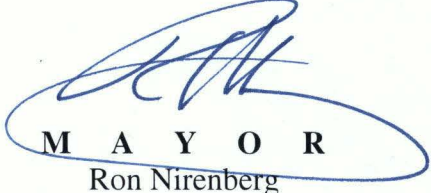
Amount	General Ledger	Cost Center	Fund	Internal Order
\$80,483.08	5206010		2201636037	136000000745

\$34,150.35	5206010		2206536004	136000000761
\$2,830.78	5206010	3619010002	11001000	
\$47,333.21	5206010	3616010001	11001000	
\$6,912.36	5206010	3616010001	11001000	
\$2,435.78	5206010	3618010001	11001000	
\$31,880.00	5206010	3619010008	11001000	

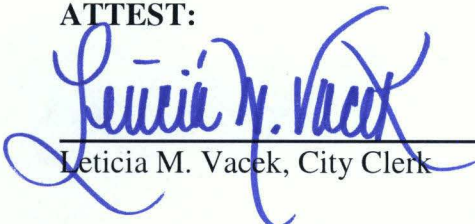
**SECTION 4.** The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.


**PASSED and APPROVED this 13<sup>th</sup> day of December, 2018.**

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney



<b>Agenda Item:</b>	18 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49A, 49B, 50A, 50B, 50C, 51A, 51B, 51C, 52, Z-1, 53, Z-2 )						
<b>Date:</b>	12/13/2018						
<b>Time:</b>	11:10:11 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance amending the lease with Brooks Development Authority to expand the use of office and lab space located at 2509 Kennedy Circle in support of San Antonio Metropolitan Health District programs. Funding for the remainder of FY 2019 is available from Public Health Emergency Preparedness and Public Center for Environmental Health grant funds and the General Fund. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				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				

LC  
12/13/18  
Item No. 18

# Exhibit I

## Exhibit I

**AMENDMENT NO. 1  
TO LEASE AGREEMENT BETWEEN  
BROOKS DEVELOPMENT AUTHORITY  
AND CITY OF SAN ANTONIO  
FOR A PORTION OF BUILDING 125  
LOCATED AT 2509 KENNEDY CIRCLE  
ON BROOKS CITY-BASE SAN ANTONIO TEXAS**

This Amendment No. 1 ("Amendment No. 1") to Lease Agreement is dated effective December 1, 2018 ("Effective Date") and is by and between Brooks Development Authority and City of San Antonio.

### R E C I T A L S

- A. Brooks Development Authority ("BDA"), as Landlord and City of San Antonio ("CoSA"), as Tenant entered into a lease agreement dated January 6, 2011, for space in Building 125 at Brooks City Base (the "Lease"); and
- B. Tenant has requested an expansion of the leased space in the basement of Building 125, and Landlord has agreed; and
- C. In accordance with the expansion in the space, there will also be an increase in the monthly rent; and
- D. In accordance with Section 25.05 of the Lease, the Parties may modify the Lease only by written agreement and as authorized by an ordinance adopted by City Council.

### A G R E E M E N T

For and in consideration of the mutual covenants and agreements contained herein, the Parties hereto agree as follows:

- 1. The leased space in the basement of Building 125 will be expanded by 4,107 sq. ft. to a total of 9,223 sq. ft. ("Expanded Premises").
- 2. Those certain terms found in Section 1 entitled "Basic Information, Definitions," which are included below are modified and new terms are added, as follows:

Landlord's Address: 3201 Sidney Brooks, San Antonio, Texas 78235

Expanded Premises: The Premises are expanded by 4,107 square feet to a total of 9,223 square feet in the basement of Building 125 as shown on **APPENDIX A-1**, attached hereto.

Expanded Premises

Commencement Date: On the Effective Date hereof.

Monthly Rental for Expanded Premises: \$779.54 per month for the 2,337 sq. ft. portion of the Expanded Premises identified as "A" on **APPENDIX A-1** and \$0.00 for the remaining 1,770 sq. ft. of the Expanded Premises; **which rental will be increased 2% annually** beginning on October 1, 2019 and each October 1 thereafter as provided in the schedule below.

Initial Term: Ends September 30, 2021

3. Section 4.04 is **DELETED** in its **ENTIRETY** and is hereby **REPLACED** with the following **NEW** Section 4.04:

4.04 The Rent paid to Landlord pursuant to Section 1 of the Lease as adjusted pursuant to Section 2 above will be paid through the budgets of various separate and distinct Division's within the Metropolitan Health District. The breakdowns are as follows and are based upon size of the area occupied by each Division and the amount of investment made initially by Landlord to improve the space to be occupied:

Period	Division	Monthly Cost
December 1, 2018 through September 30, 2019	PHEP	\$7,888.48
	Other	\$9,366.65
	Lab Services Division	\$3,188.00
October 1, 2019 through September 30, 2020	PHEP	\$7,902.38
	Other	\$9,366.55
	Lab Services Division	\$3,188.00
October 1, 2020 through September 30, 2021	PHEP	\$7,918.60
	Other	\$9,366.55
	Lab Services Division	\$3,188.00

Effective with the December 2018 Rent, Tenant will make a one-time payment of \$1,559.07 in addition to the Rent as provided above.




4. Page 1 of 2 on **APPENDIX A** of the Lease, entitled "Description of Premises," is hereby **DELETED** in its **ENTIRETY** and is **REPLACED** with a **NEW APPENDIX A-1**, attached hereto.

This Amendment No. 1 is effective on the date first shown above. All of the rest and remainder of the Lease terms remain unchanged and are in full force and effect.

**LANDLORD**

Brooks Development Authority

By:   
Leo Gomez, President & CEO

**TENANT**

City of San Antonio, a Texas municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ATTEST**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Clerk

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Attorney

## APPENDIX A-1

### Expanded Premises

### Basement- Building 125

