



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-2675

**Type:** Capital Improvements

**In control:** City Council A Session

**On agenda:** 12/4/2014

**Title:** An Ordinance authorizing a \$247,227.00 reimbursement payment to Landry's Restaurants for repair to the Tower of the Americas. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development and Operations]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter Agreement signed by both parties, dated October 1, 2014, 2. Draft Ordinance, 3. Ordinance 2014-12-04-0945

Date	Ver.	Action By	Action	Result
12/4/2014	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Center City Development and Operations Department

**DEPARTMENT HEAD:** Lori Houston

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Tower of the Americas Electrical Repair

**SUMMARY:**

This ordinance authorizes a \$247,227.00 reimbursement payment to Landry's Restaurants for repair to the Tower of the Americas.

**BACKGROUND INFORMATION:**

On November 18, 2004, City Council approved Ordinance 99996 with Willie G's Post Oak, Inc. dba Landry's Restaurants, Inc. to renovate and operate the Tower of the Americas in Hemisfair Park for a 15 year term with one 10 year renewal. Following extensive renovation, the Tower re-opened to the public on June 22, 2006. 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 structural components and mechanical systems, including the electrical connection (bus system) from the utility vault at the base of the Tower to the bus system termination at the top.

On September 5, a late afternoon thunderstorm with unusually high winds drove rainwater through vents in the shaft and into the bus system approximately 90' above ground level, disrupting electrical service to the top of the Tower. In coordination with the City and CPS Energy, Landry's engaged Davila Electric and Alterman Inc. for emergency, temporary repairs and electrical service was restored within 36 hours. Building and Equipment Services Department (BESD) utilized Alderson and Associates, the City's on-call electrical engineering firm, to investigate the cause of the electrical failure, to inspect the temporary repair, and to evaluate the proposed permanent repair submitted by Alterman Inc. Alderson confirmed the cause of the failure, determined the temporary repair was safe, and endorsed the proposed repair plan. In order to expedite repair, Landry's agreed to assume responsibility for permanent repair costs with the City to reimburse Landry's upon delivery of proof of payment in full.

This plan of action was coordinated with the Transportation and Capital Improvements Department, Building and Equipment Services Department, and the City Attorney's Office.

Repairs were completed in October, and the City received receipt of Landry's proof of payment to Davila Electric and Alterman Inc. in November. The total cost of repair (both temporary and permanent) was \$247,227.00 (which is consistent with the estimate provided).

#### **ISSUE:**

This Ordinance reimburses Landry's for costs associated with the repair of the Tower electrical bus system performed by Davila Electric and Alterman Inc. This cost was incurred by Landry's and is the responsibility of the City.

#### **ALTERNATIVES:**

The City may elect to reimburse Landry's through rent credit in lieu of payment; however, this would require a renegotiation of the contract.

#### **FISCAL IMPACT:**

This ordinance appropriates funds and authorizes a \$247,227.00 payment to Landry's for repair of the electrical bus system at the Tower of the Americas and will be paid from the Facilities Maintenance Fund.

#### **RECOMMENDATION:**

Staff recommends approval of a \$247,227.00 reimbursement payment to Landry's for repair to the electrical bus system at the Tower of the Americas.