



City of San Antonio

Agenda Memorandum

File Number: 14-2592

Agenda Item Number: 11.

Agenda Date: 11/6/2014

In Control: City Council A Session

DEPARTMENT: Center City Development & Operations Department

DEPARTMENT HEAD: Lori Houston

COUNCIL DISTRICTS IMPACTED: 1

SUBJECT:

Amendment to River Walk Use Fee Agreement with Los Leones, Ltd. (d/b/a Lone Star Café).

SUMMARY:

This Ordinance authorizes a third Amendment to the River Walk Use Fee Agreement between the City of San Antonio and Los Leones, Ltd. (d/b/a Lone Star Café). This Amendment will revise the square footage of the “elevator premises” from 171 square feet to 197 square feet. During construction of the public elevator, the lessee’s private contractor encroached beyond the previously authorized area by 26 square feet. This Amendment will expand the authorized area for the public elevator by the necessary 26 square feet.

BACKGROUND INFORMATION:

Ordinance No. 94561, dated September 20, 2001, authorized a River Walk Use Fee Agreement (Agreement) with Los Leones, Ltd. for 1,309 square feet of River Level Commercial Space, 974 square feet of Street Level Commercial Space and 51 square feet of Street Level Support Space. This space is used to support the outdoor dining operations of Café Ole, Lone Star Café, and Michelinos’s restaurants.

Ordinance No. 2011-11-17-0953, dated November 17, 2011, authorized the first Amendment to the Agreement which added 429.55 square feet of River Walk patio space to the leased premises of Michelino’s restaurant.

Ordinance No. 2013-05-09-0327, dated May 9, 2013, authorized the second Amendment to the Agreement which added 171 square feet of public space for the construction of a public elevator (elevator premises) and also added 143.2 square feet of walkway space and 22 square feet of River Level Support Space to be used for

a host stand and menu board. During construction of the public elevator, the lessee's private contractor encroached beyond the previously authorized area by 26 square feet.

This Ordinance will authorize a third Amendment to the Agreement to revise the elevator premises' square footage from 171 square feet to 197 square feet in order to accommodate the elevator premises' encroachment beyond the previously authorized square footage. Authorization of the third Amendment will have no fiscal impact since the elevator premises are considered a public space and rent is not collected.

ISSUE:

Approval of this ordinance will ensure Los Leones' Agreement is consistent with the actual City-owned property occupied by the new elevator, which is vital to ensuring the River Walk's ADA accessibility.

ALTERNATIVES:

The City may elect to not enter into the Third Amendment and require Los Leones to either demolish the newly constructed elevator or reconstruct the elevator to fit within the previously authorized encroachment.

FISCAL IMPACT:

The Elevator Premises is considered a public space and rent is not collected for this area; therefore, approval of this amendment would not have a fiscal impact.

RECOMMENDATION:

Staff recommends approval of the third Amendment to the River Walk Use Fee Agreement between the City of San Antonio and Los Leones, Ltd. which would revise the square footage of the elevator premises from 171 square feet to 197 square feet.