

AN ORDINANCE 2008-04-17-0310

AUTHORIZING A ONE-YEAR RENEWAL OF A LEASE OF SPACE AT 345 W. COMMERCE THAT THE CITY USES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT MAIN IMMUNIZATION CLINIC, FOR MONTHLY RENT OF \$8,837.50 AND PROVIDING FOR POSSIBLE RENEWAL.

* * * * *

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 office lease for an office located at 345 W. Commerce in substantially the form attached as **Attachment I**, which is incorporated for all purposes as if fully set forth. The City Manager and her designee, severally, should take all other actions conducive to effectuate the transaction, including agreeing to non-material changes to the approved form and executing and delivering all ancillary instruments and agreements conducive to effectuating the transaction.

SECTION 2. Funding for this ordinance is available in Fund 11001000 General Fund, Fund Center 8002320000 Lease Officer Space, as part of the FY08 Budget.

SECTION 3. Payment not to exceed the budgeted amount is authorized from Cost Center 8002320014 West Comm Clinic, General Ledger 5206010 Rental of Facilities per the terms of the lease agreement 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 may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This ordinance becomes effective 10 days after passage.

PASSED AND APPROVED this 17th day of April 2008.



M A Y O R

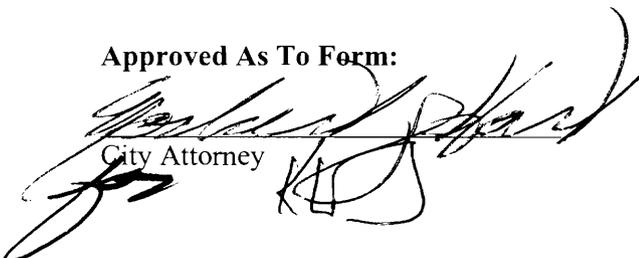
PHIL HARDBERGER

Attest:

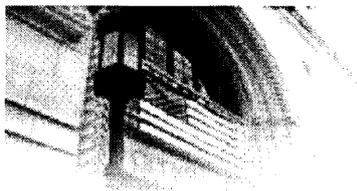


City Clerk

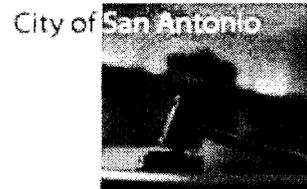
Approved As To Form:



City Attorney



Request for
COUNCIL
 ACTION



Agenda Voting Results - 13

Name:	7, 8, 10, 11, 13, 14, 16, 17, 21, 22, 23, 24, 25A, 25B, 29, 30A, 30C, 30D, 30E						
Date:	04/17/2008						
Time:	10:41:10 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a one-year renewal of a lease of space at 345 W. Commerce that the City uses for the San Antonio Metropolitan Health District main immunization clinic, for monthly rent of \$8,837.50 and providing for possible renewal. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1	x					
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



CMS or Ordinance Number: CN4600006333

TSLGRS File Code:1000-25

Document Title:
CONT - Health - 345 W. Commerce

Commencement Date:

9/26/2007

Expiration Date:

4/30/2009

Renewal and Extension of Lease Agreement

(345 W. Commerce)

1. Identifying Information.

**Ordinance Authorizing
Renewal and Extension:** 2008-04-17-0310

Landlord: Curtis E. Gemblar, Charlotte E. Kiker, Patricia Walsh
Small, A.L. Herndon, Bernard L. Campion, and
Bernadette Nava, successor in interest to Rudy Nava, as
tenants in common

Landlord's Address: c/o Philip M. Ross, Attorney and Counselor at Law, 1006
Holbrook, San Antonio, Texas 78218

Tenant: City of San Antonio

Tenant's Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Asset Management Department)

Lease: Lease agreement between Landlord and Tenant that
commenced July 1, 2002 and pertaining to approximately
10,500 square feet of rentable space on a two-story
building located at 345 W. Commerce, San Antonio,
Bexar County, Texas 78205 and authorized by the
Ordinance Authorizing Original Lease

**Ordinance Authorizing
Original Lease:** 96428, dated September 26, 2002

**Beginning of Renewal
Term** May 1, 2008

**Expiration of Renewal
Term** April 30, 2009

2. Defined Terms.

All terms used in this instrument and not otherwise defined herein but defined in the Lease or any previous amendment to it have the meanings previously ascribed to them.

3. Renewal and Extension.

The term of the lease is extended from the Beginning of Renewal Term through and including the Expiration of Renewal Term.

4. Rent.

4.01. From the Beginning of the Renewal Term to the Expiration of the Renewal Term, Tenant must pay to Landlord the following rent at the place, at the intervals, and in the manner described in the Lease for the payment of rent. Rent is \$8,837.50 monthly, without adjustment for CPI fluctuation.

4.02. Tenant must pay a late fee of \$50 for each monthly installment of rent that is paid more than 10 days after the due date. The late fee is due with the following month's rent installment. This late fee applies during this renewal term and any further renewal terms.

5. Further Renewals.

5.01. If Tenant is not in default at the end of the renewal effected by this instrument, Tenant may renew this lease for an additional one year term at a monthly rent of \$9,275, without adjustment for CPI fluctuation. Except for the renewed term and the increased rent, all terms and conditions of the Lease remain the same.

5.02. If Tenant is not in default at the end of the renewal provided for in the immediately preceding subparagraph, Tenant may renew this lease for an additional one year term at a monthly rent of \$9,738.75, without adjustment for CPI fluctuation. Except for the renewed term and the increased rent, all terms and conditions of the Lease remain the same.

5.03. All renewals must be approved by City Council.

6. No Default.

Neither Landlord nor Tenant is in default under the Lease, and neither party is aware of a cause of action against the other arising out of or relating to the period before this renewal and extension.

7. Same Terms and Conditions.

This renewal and extension instrument is a fully integrated statement of the modifications to the Lease. Except as expressly modified by this renewal and extension, the Lease remains a comprehensive statement of the rights and obligations of Landlord and Tenant. Landlord and Tenant reaffirm the Lease as modified by this agreement.

8. Public Information.

Landlord acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public.

In Witness Whereof, the parties have caused their representatives to set their hands.

Tenant:

Landlord:

City of San Antonio, a Texas municipal corporation

Curtis E. Gembler

By: PPFm

Curtis E. Gembler

Printed Name: Penny Postoak-Ferguson

Date: 3/12/2008

Title: Asst. City Manager

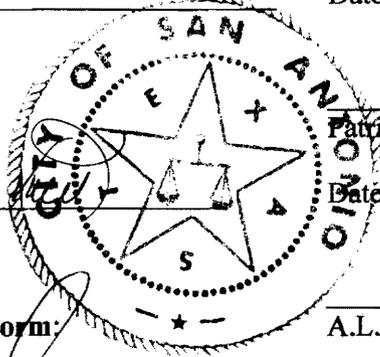
Charlotte E. Kiker

Date: _____

Date: _____

Attest:

Patricia Walsh Small
City Clerk



Patricia Walsh Small

Date: _____

Approved as to Form:

[Signature]
City Attorney

A.L. Herndon

Date: _____

Bernard L. Champion

Date: _____

Bernadette Nava, successor in interest to Rudy Nava

Date: _____

In Witness Whereof, the parties have caused their representatives to set their hands.

Tenant:

Landlord:

City of San Antonio, a Texas municipal corporation

Curtis E. Gembler

By: _____

Date: _____

Printed Name: _____

Charlotte E. Kiker

Charlotte E. Kiker

Title: _____

Charlotte E. Kiker

Date: _____

Date: *March 12, 2008*

Attest:

Patricia Walsh Small

City Clerk

Date: _____

Approved as to Form:

A.L. Herndon

City Attorney

Date: _____

Bernard L. Campion

Date: _____

Bernadette Nava, successor in interest to Rudy Nava

Date: _____

In Witness Whereof, the parties have caused their representatives to set their hands.

Tenant:

Landlord:

City of San Antonio, a Texas municipal corporation

By: _____

Printed Name: _____

Title: _____

Date: _____

Attest:

City Clerk

Approved as to Form:

City Attorney

Curtis E. Gembler

Date: _____

Charlotte E. Kiker

Date: _____

Patricia Walsh Small

Patricia Walsh Small

Date: 3-26-08

A.L. Herndon

Date: _____

Bernard L. Campion

Date: _____

Bernadette Nava, successor in interest to Rudy Nava

Date: _____

In Witness Whereof, the parties have caused their representatives to set their hands.

Tenant:

Landlord:

City of San Antonio, a Texas municipal corporation

Curtis E. Gembler

By: _____

Date: _____

Printed Name: _____

Charlotte E. Kiker

Title: _____

Date: _____

Date: _____

Attest:

City Clerk

Patricia Walsh Small

Date: _____

Approved as to Form:

City Attorney

A.L. Herndon

A.L. Herndon

Date: 3-27-08

Bernard L. Champion

Date: _____

Bernadette Nava, successor in interest to Rudy Nava

Date: _____

In Witness Whereof, the parties have caused their representatives to set their hands.

Tenant:

Landlord:

City of San Antonio, a Texas municipal corporation

Curtis E. Gemblar

By: _____

Date: _____

Printed Name: _____

Charlotte E. Kiker

Title: _____

Date: _____

Date: _____

Attest:

Patricia Walsh Small

City Clerk

Date: _____

Approved as to Form:

A.L. Herndon

City Attorney

Date: _____


Bernard L. Campion

Date: 3-27-08

Bernadette Nava, successor in interest to Rudy Nava

Date: _____

In Witness Whereof, the parties have caused their representatives to set their hands.

Tenant:

Landlord:

City of San Antonio, a Texas municipal corporation

Curtis E. Gembler

By: _____

Date: _____

Printed Name: _____

Title: _____

Charlotte E. Kiker

Date: _____

Date: _____

Attest:

Patricia Walsh Small

City Clerk

Date: _____

Approved as to Form:

A.L. Herndon

City Attorney

Date: _____

Bernard L. Campion

Date: _____

Bernadette F. Nava
Bernadette Nava, successor in interest to Rudy Nava

Date: 3.13.08



CMS or Ordinance Number: OR00000000000096428

TSLGRS File Code: 1000-05

Document Title:
ORD - Health - 345 W. Commerce

Ordinance Date:
9/26/2002



CMS or Ordinance Number: OR00000200804170310

TSLGRS File Code: 1000-05

Document Title:
ORD - Health - 345 W. Commerce

Ordinance Date:
4/17/2008