

AN ORDINANCE 2013-05-30-0362

AUTHORIZING AN EXTENSION RETROACTIVE FROM MAY 1, 2013 THROUGH APRIL 30, 2018 OF THE PARKING AGREEMENT WITH NIX HOSPITALS LLC FOR USE OF 400 SPACES IN THE HOUSTON STREET PARKING GARAGE WITH A FIRST YEAR PAYMENT OF \$471,528.

* * * * *

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

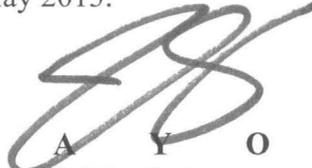
SECTION 1. The City Manager or her designee, severally, are authorized and directed to execute and deliver on behalf of the City an instrument with Nix Hospitals System, LLC, substantially the form attached as **Attachment I**, which is incorporated for all purposes as if fully set forth. The City Manager and her designee, severally, should take all other actions necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form and executing and delivering such ancillary documents and instruments as may be conducive to effectuating the transaction.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 53001000, Internal Order 219000000127 and General Ledger 4401180.

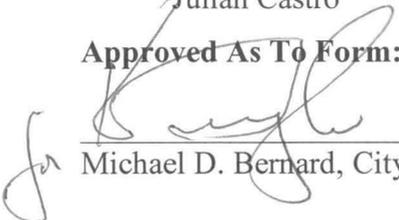
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 4. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 30th day of May 2013.

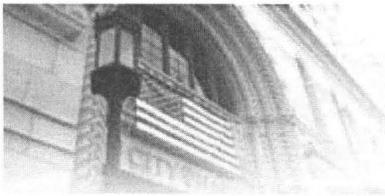

M A Y O R
Julián Castro

Approved As To Form:

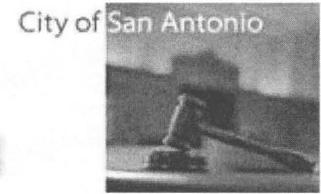

for Michael D. Bernard, City Attorney

Attest:


Leticia M. Vacek, City Clerk



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 13

Name:	6, 7, 8, 9A, 9B, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 17, 18, 20A, 20B, 20C, 21, 22, 25, 26, 27, 28, 29A, 29B, 30A, 30B						
Date:	05/30/2013						
Time:	10:49:32 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an extension retroactive from May 1, 2013 through April 30, 2018 of the parking agreement with Nix Hospitals LLC for use of 400 spaces in the Houston Street Parking Garage with a first year payment of \$471,528.00. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations Department]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9		x				
Carlton Soules	District 10	x					

Exhibit A

3rd Renewal of License Agreement
(Nix Hospital Parking)

1. Identifying Information.

**Ordinance Authorizing 3rd
Renewal:**

Licensor: City of San Antonio

Licensor's Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Downtown Operations)

Licensee: Nix Hospitals System, LLC

Licensee's Address: 414 Navarro Street, Suite 600, San Antonio, Texas
78205-2523

The following is a comprehensive statement of the renewals, amendments, and consents relating to the Original License:

Original License: License Agreement between Licensor and Accord Medical Management, Inc., d/b/a Nix Health Care System as Licensee pertaining to Licensee's use of parking spaces at Licensor's Mid-City Parking Garage, now known as the Houston Street Garage and authorized by the Ordinance Authorizing Contract to be Amended

**Ordinance Authorizing
Original License** 87741, April 30, 1998

1st Renewal: Renewal and Extension of License Agreement between Licensor and Accord Medical Management, Inc., d/b/a Nix Health Care System as Licensee pertaining to the Original License and authorized by the Ordinance Authorizing 1st Renewal

**Ordinance Authorizing 1st
Renewal:** 98803, February 12, 2004

2nd Renewal: 2nd Renewal of License Agreement (Nix Hospital Parking) between Licensor and Accord Medical Management, LP, successor by conversion to Accord Medical Management, Inc., d/b/a Nix Health Care System as Licensee and authorized by the Ordinance

Authorizing 2nd Renewal

**Ordinance Authorizing 2nd
Renewal:** 2008-05-01-0346

Amendment to License: Amendment to License Agreement (Nix Hospital/Houston Street Garage) between Licensor and Accord Medical Management, LP, successor by conversion to Accord Medical Management, Inc., d/b/a Nix Health Care System as Licensee and authorized by the Ordinance Authorizing Amendment:

**Ordinance Authorizing
Amendment:** 2011-12-15-1058

Consent to Assignment: Consent to Assignment of License Agreement (Assignment from Accord Medical Management, LP, successor by conversion to Accord Medical Management, Inc., d/b/a Nix Health Care System to Nix Hospitals System, LLC)

**Ordinance Authorizing
Consent to Assignment:** 2012-02-09-0091

2. Defined Terms.

The term "License" includes the Original License and all amendments to it. All terms used in this instrument and not otherwise defined in it but defined in the License have the meanings from the License.

3. Renewal.

3.01. The term of the License is extended from May 1, 2013 through April 30, 2018. Licensee must then vacate the Premises no later than the Expiration of 3rd Renewal Term, unless the License term is further extended by written agreement of the parties and approved by ordinance by Licensor's City Council.

3.02. The Original License provided for three renewals. The renewal effected by this instrument is the third and final of those three. But the Amendment to License provided for two additional renewal periods, and both of those renewal periods will remain after the renewal effected by this instrument.

4. License Fee.

For the period 5/1/13-4/30/14, the License Fee shall be \$97.00 for each upper-level parking space and \$110.00 for each basement-level parking space per month. From May 1, 2014 through April 30, 2018, Licensee shall pay, in equal monthly installments, an amount equal to the lesser of (a) the rate for the previous year increased by five percent (5%), or (b) a fee established by Licensor, which has been approved by the City

Council. In addition, Licensee shall pay Licenser in accordance with Visitor Validation Program, which was approved by amendment and Ordinance 2011-12-15-1058.

5. No Default.

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

6. Same Terms and Conditions.

This instrument is a fully integrated statement of the modifications to the License. Except as expressly modified by this renewal, the License remains a comprehensive statement of the rights and obligations of Licenser and Licensee. Licenser and Licensee reaffirm the License as modified by this agreement.

7. Public Information.

Licensee 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:

Licenser

Licensee

City of San Antonio, a Texas municipal corporation

Nix Hospitals System, LLC a Texas limited liability company

By: _____

By: _____

Printed
Name: _____

Printed
Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attest:

City Clerk

Approved as to Form:

City Attorney

Exhibit A

Current, Non-Discounted (Normal) Rates¹

<i>Length of Stay</i>	<i>Current Full Rate²</i>
½ Hour	\$2.00
Up to 1 Hour	\$3.00
Up to 1 ½ Hours	\$5.00
Up to 2 Hours	\$7.00
Up to 2 ½ Hours	\$8.00
Over 2 ½ Hours	\$9.00
Daily Flat Rate:	\$10.00

Visitor Validation Program Discounted Rates

<i>Type of Validation</i>	<i>Discounted Rate</i>
1 Hour Validation ³	\$2.00
2 Hour Validation ⁴	\$5.00
Full Validation ⁵	Current, non-discounted rate, up to the current flat rate, \$10.00

¹ Applicable to ordinary public parking. Vehicles parked overnight are charged separately for each day.

² City Council will raise the normal parking rates from time to time. When that occurs, the formulas in the succeeding footnotes apply to the revised normal parking rates to adjust the Discounted Rates.

³ The Discounted Rate for one hour is the normal rate for ½ hour.

⁴ The Discounted Rate for two hours is the Discounted Rate for the first hour plus the normal one-hour rate (\$2.00 + \$3.00 = \$5.00)

⁵ The rate for a Full Validation is the current, non-discounted rate for the time used, up to the maximum daily flat rate, or flat rate when in effect..