

AN ORDINANCE 2008-09-04-0755

AUTHORIZING RENEWAL OF THE CITY'S LEASE OF PARKING SPACES AT 243 CENTER STREET TO EAST COMMERCE REALTY FOR ONE YEAR FOR AN ANNUAL RENT OF \$17,328.

* * * * *

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

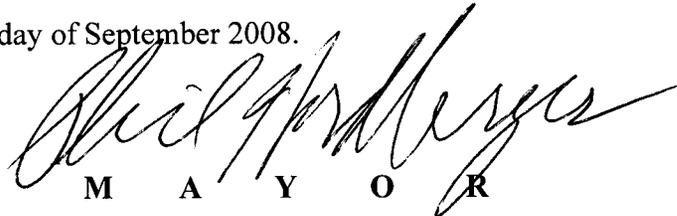
SECTION 1. The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the City an instrument with East Commerce Realty, LLC in substantially the form attached as **Attachment I**, which is incorporated for all purposes as if fully set forth. The City 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. Revenue generated by this ordinance will be deposited into Fund 53004000 Parking Revenue, Internal Order 219000000052 Center Street Lot, General Ledger 4401180 Lease Rental of Parking Space.

SECTION 3. 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 4. This ordinance becomes effective 10 days after passage.

PASSED AND APPROVED this 4th day of September 2008.



M A Y O R

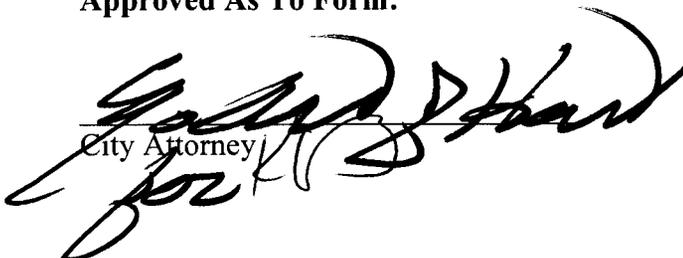
PHIL HARDBERGER

Attest:



City Clerk

Approved As To Form:



City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 18

Name:	6, 7, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32A, 32B, 32D
Date:	09/04/2008
Time:	10:15:15 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing renewal of the City's lease of parking spaces at 243 Center Street to East Commerce Realty for one year for an annual rent of \$17,328.00. [Pat DiGiovanni, Deputy City Manager; Paula X. Stallcup, Director, Downtown Operations]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x			x	
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				



CMS or Ordinance Number: CN0040002073

TSLGRS File Code:1000-25

Document Title:

CONT - East Commerce Realty, LLC Parking spaces lease for FY 2007-2008

Commencement Date:

12/1/2007

Expiration Date:

10/31/2009

Renewal of Lease Agreement
(243 Center Street/East Commerce Realty, LLC)

This Renewal of Lease Agreement is between Tenant and the City of San Antonio ("Landlord"), pursuant to the Ordinance Authorizing Renewal.

1. Identifying Information.

Ordinance Authorizing Renewal: 2008-09-04-0255

Tenant: East Commerce Realty, LLC

Tenant's Address: 310 S. St. Mary's St., Suite 2100, San Antonio, Texas 78205

Lease: Parking Lease (East Commerce Realty, LLC between Landlord and Tenant, pertaining to a Landlord-owned parking lot on Center Street and authorized by the Ordinance Authorizing Original Lease.

Ordinance Authorizing Original Lease: 2007-11-01-1161

Beginning of Renewal Term November 1, 2008

Expiration of Renewal Term October 31, 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.

The term of the lease is extended from the Beginning of Renewal Term through and including the Expiration of Renewal Term. If Tenant wants to continue occupying the Premises after the Expiration of the Renewal Term, it may seek to negotiate a further renewal. If, for whatever reason, the parties do not reach an agreement on a further renewal by the Expiration of Renewal Term, then the Lease, as renewed hereby, terminates. Tenant must then vacate the Premises no later than the Expiration of Renewal Term.

4. Rent.

4.01. Rent for the Renewal Term is \$1,444 monthly.

4.02. From the Beginning of the Renewal Term to the Expiration of the Renewal Term, Tenant must pay to Landlord the Rent at the place, at the intervals, and in the manner described in the Lease for the payment of rent.

5. 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.

6. Same Terms and Conditions.

This renewal instrument is a fully integrated statement of the modifications to the Lease. Except as expressly modified by this renewal, 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.

7. Public Information.

Tenant 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.

Landlord

Tenant

City of San Antonio, a Texas municipal corporation

East Commerce Realty, LLC, a Texas limited liability company

By: [Signature]

By: [Signature]

PX5

Printed Name: Pat DiGiovanni

Printed Name: JAMES B. Nelson, Jr

Title: Deputy City Manager

Title: MANAGER

Date: 9-22-08

Date: 5/02/08

Attest:

[Signature]
City Clerk

Approved as to Form:

[Signature]
City Attorney



CMS or Ordinance Number: OR00000200711011161

TSLGRS File Code: 1000-05

Document Title:

ORD - East Commerce Realty, LLC Parking spaces lease for FY 2007-2008

Ordinance Date:
11/1/2007



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 18
Council Meeting Date: 9/4/2008
RFCA Tracking No: R-3347

DEPARTMENT: Downtown Operations

DEPARTMENT HEAD: Paula Stallcup

COUNCIL DISTRICT(S) IMPACTED:
Council District 2

SUBJECT:
Renewal of parking agreement with East Commerce Realty at 243 N. Center St.

SUMMARY:

An ordinance authorizing the first renewal of the parking lease agreement with East Commerce Realty at 243 Center Street for a period of 1 year beginning on November 1, 2008 and expiring on October 31, 2009. The total annual rent will be \$17,328.00.

BACKGROUND INFORMATION:

Ordinance No. 2007-11-01-1161 authorized a one-year parking lease agreement between the City and East Commerce Realty for the rear parking lot at 243 Center Street. The lease included two, one-year renewal periods subject to City Council approval. East Commerce Realty utilizes approximately 64 parking spaces in the 124-space lot in support of its commercial development efforts in the area, which include Sunset Station, the 12-story Staybridge Suites Hotel at 123 Hoefgen, and the rehabilitation of several commercial properties within the St. Paul Square Historic District.

Under the terms of the renewal, East Commerce Realty will continue to provide 60 reserved spaces for city vehicles at all times and allow unrestricted access to loading docks and dumpsters. During the renewal period, East Commerce Realty will pay 5% above its current monthly rate of \$1,375.00, for total monthly rent of \$1,444.00. The one-year renewal term will expire on October 31, 2009.

ISSUE:

Approval of this lease agreement is consistent with City policy to generate revenue by leasing City-owned property and will provide parking in support of economic revitalization efforts within the St. Paul Square Historic District.

ALTERNATIVES:

The City may elect not to renew the current lease; however, the current need for parking will not be addressed and the City will lose the opportunity to generate additional income for the Parking Division Fund.

FISCAL IMPACT:

Under the terms of the renewal agreement, the estimated revenue from the first year of this agreement will be \$17,328.00. Funds will be deposited into the Parking Revenue Fund.

RECOMMENDATION:

Staff recommends approval of the parking lease with East Commerce Realty to address parking needs in the area. The Discretionary Contracts Disclosure Form, as required by the Ethics Ordinance, is included herein as an attachment.

ATTACHMENT(S):

File Description	File Name
Renewal of Parking Agreement with East Commerce Realty	East Commerce Realty parking renewal.pdf
East Commerce Realty DCDF	East Commerce Realty DCDF.pdf
Voting Results	
Ordinance/Supplemental Documents	200809040755.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Colleen Swain Assistant Director Downtown Operations

APPROVED FOR COUNCIL CONSIDERATION:

Pat DiGiovanni Deputy City Manager