

2009-06-25-0576

AN ORDINANCE

AUTHORIZING AN AMENDMENT TO AN EXISTING LEASE WITH THE PORT OF SAN ANTONIO THAT WILL ALLOW FOR THE PERMANENT RELOCATION OF FIRE EQUIPMENT AND PERSONNEL TO A BUILDING LOCATED AT 103 ARTS AND CRAFTS WAY IN COUNCIL DISTRICT 4.

* * * * *

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 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 ancillary documents and instruments conducive to effectuating the transaction.

SECTION 2. Funding for this ordinance is available as part of the FY09 budget per the table below.

Amount	Cost Center	General Ledger	Fund
\$10.00	2001030001	5206010	11001000

SECTION 3. Payment not to exceed the budgeted amount is authorized to the Port of San Antonio 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 unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this 25th day of June 2009



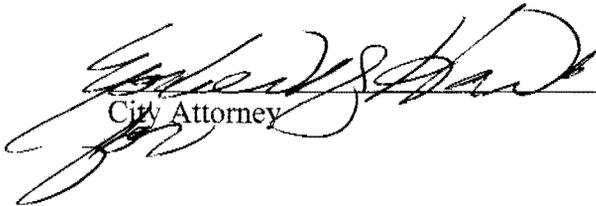
M A Y O R

JULIÁN CASTRO

Attest:


City Clerk

Approved As To Form:


City Attorney

Agenda Item:	26						
Date:	06/25/2009						
Time:	10:32:43 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an amendment to an existing lease with the Port of San Antonio that will allow for the permanent relocation of fire equipment and personnel to a building located at 103 Arts and Crafts Way in Council District 4. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julian Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10	x					

Attachment I

**AMENDMENT No. 1
TO SUBLEASE AGREEMENT
BETWEEN
GREATER KELLY DEVELOPMENT AUTHORITY ("GKDA")
AND**

***CITY OF SAN ANTONIO ("TENANT")*
BUILDING 254 (NOW BUILDING 1699)
KELLY AFB, TEXAS
BEXAR COUNTY, TEXAS**

RECITALS

A. On July 24, 1997, Greater Kelly Development Corporation ("GKDC"), predecessor in interest to Greater Kelly Development Authority ("GKDA"), now known as Port Authority of San Antonio ("Port Authority"), and the Secretary of the Air Force, on behalf of the United States of America, executed the Economic Development Conveyance Agreement (the "EDC") and the Lease of Real Property (the "Master Lease") on the Non-realigned Portions of Kelly AFB, Texas; and

B. GKDA and City of San Antonio, Inc. ("Tenant") entered into a sublease agreement dated October 25, 2001, for Building 254 and contiguous land, containing approximately 33,199.88 sq. ft. (including 9,054 sq. ft. for the Building) (the "Premises") located at 408 Clarence Tinker Drive, (the "Sublease"), authorized by San Antonio City Council Ordinance No. 94015, passed and approved on May 31, 2001; and

C. Tenant subsequently found that the Premises required mold remediation and has occupied Building 1699 instead since August 2002. Tenant has requested that Port Authority replace the Building 254 premises with the alternative Building 1699 premises, until such time a more permanent location is constructed for Tenant; and

D. Paragraph 29.8 of the Sublease stipulates that the Sublease may not be altered, changed or amended except by an instrument in writing signed by both parties;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. Paragraph 4.2 is **DELETED** in its **ENTIRETY** and **REPLACED** with the following Paragraph 4.2:

4.2 Premises. The Premises is Building 1699, located at 103 Arts and Crafts Way, containing approximately 7,199 square feet, together with associated parking

facilities (some covered) (the "Premises"), together with non-exclusive ingress/egress thereto over streets and rights-of-way owned or otherwise controlled by Port Authority, the Premises being more particularly described on the attached **APPENDIX A**.

2. Paragraph 6.1 is **DELETED** in its **ENTIRETY**.
3. **APPENDIX A** is hereby **DELETED** and is **REPLACED** with the new **APPENDIX A**, attached hereto.
4. A **NEW APPENDIX B** is **ADDED**, as attached hereto.

This Amendment No. 1 will be effective immediately upon execution by both parties. The remainder of the Sublease is hereby reaffirmed and remains in full force and effect.

ACCEPTED AND AGREED on this ____ **day of** _____ **2009.**

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

City of San Antonio, a Texas
municipal corporation

Port Authority of San Antonio

By: _____

Bruce E. Miller, President & CEO

Printed
Name: _____

Title: _____

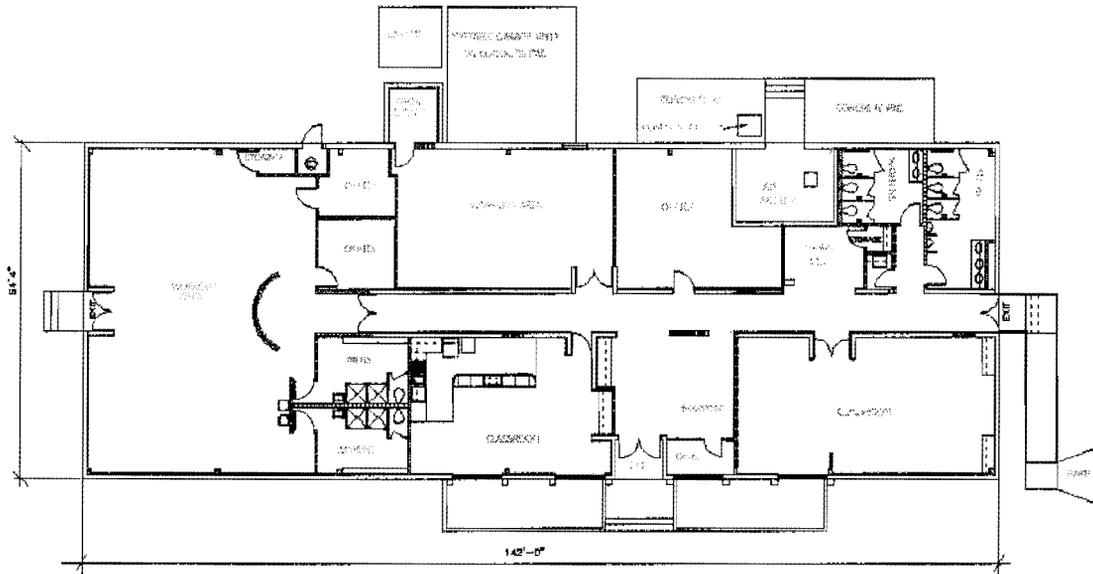
Approved as to Form:

City Attorney

APPENDIX A

Building 1699, located at 103 Arts & Crafts Way

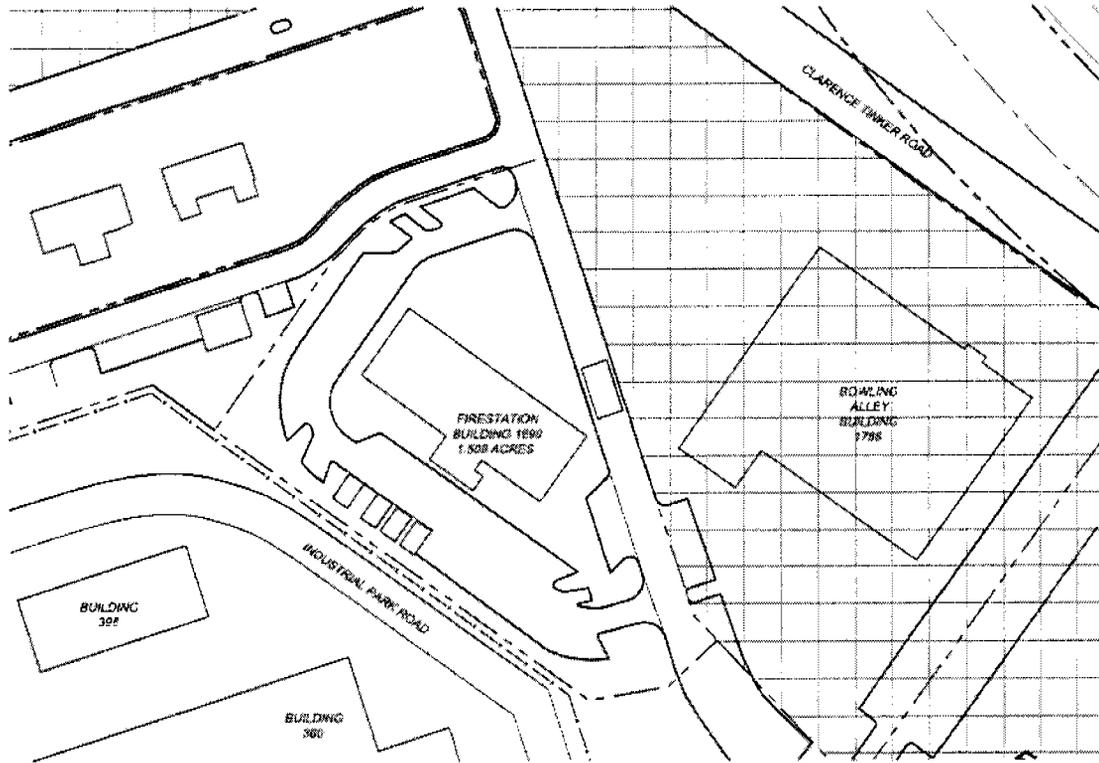
San Antonio, Texas 78226, and are described and/or shown, as follows:



Leased Premises
7,199 square feet

APPENDIX A
Site Map for Building 1699
1.508 Acres

LEASE SITE PREMISES



103 ARTS CRAFT WAY (BUILDING 1699)



SOLID / PROPERTY
LINE / LEASE PREMISES

APPENDIX B

WORK LETTER AND TENANT DRAWING

1. Tenant, at Tenant's expense, will complete all work deemed appropriate by Tenant to the Premises and all improvements thereto (collectively, the "Tenant Improvements") required under this **Appendix B** according to the Tenant Improvement Plans (defined below) as agreed to herein. Subject to Section 3 below, Tenant will bear the entire cost of the Tenant Improvements, including, without limitation, all architectural and engineering fees associated with the preparation of Tenant's plans and any changes thereto, labor, material and equipment costs, permit fees and overhead.
2. Prior to commencement of any work, Tenant will submit to Landlord Tenant drawings for the Tenant Improvements ("Tenant Improvement Plans") for the Premises. Within 5 days after Landlord's receipt of the Tenant Improvement Plans it will submit to Tenant in writing any requested changes, and Landlord and Tenant will thereafter work together in good faith to agree upon final Tenant Improvement Plans. After final approval of the Tenant Improvement Plans by Landlord and Tenant, Tenant will proceed with completing construction drawings and specifications for all Tenant Improvements.
3. Landlord will provide Tenant with an allowance that will cover the first \$75,000 of Tenant's costs in constructing the Tenant Improvements. If the total cost of Tenant Improvements is less than \$75,000, Landlord will provide Tenant with a prorated allowance reimbursing Tenant in full for the lesser cost. This allowance will be paid to Tenant in full within 30 days of the date all of the following occur: (i) Tenant completes the improvements contemplated by the Tenant Improvement Plans; (ii) receives a Certificate of Occupancy; and (iii) provides Landlord with copies of the paid invoices for all of the costs associated with the work.

Port of San Antonio Fire Station 103 Arts and Crafts Way

