

AN ORDINANCE

2013 - 01 - 17 - 0019

**AUTHORIZING AN AMENDMENT TO THE LEASE WITH W. W. TICHENOR & CO, INC. D.B.A. STARGAZER AVIATION AT SAN ANTONIO INTERNATIONAL AIRPORT TO EXTEND THE LEASE TERM THROUGH JANUARY 31, 2018.**

\* \* \* \* \*

**WHEREAS**, on May 1, 2008, the City and W. W. Tichenor & Co, Inc. d.b.a. Stargazer Aviation (“Lessee”) entered into a month-to-month lease for premises at San Antonio International Airport as authorized by Ordinance No. 2008-05-01-0342 (the “Lease”); and

**WHEREAS**, Lessee has requested to extend the lease term on a longer term basis and Aviation staff has negotiated a five-year term extension with Lessee, **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or her designee is authorized to execute the attached Amendment of Lease. The Amendment extends the Lease with W. W. Tichenor & Co, Inc. d.b.a. Stargazer Aviation through January 31, 2018 and authorizes an additional extension of three years upon agreement of the Lessee and Lessor.

**SECTION 2.** Funds generated by this Ordinance will be deposited into Fund 51001000, Internal Order No. 233000000004, and General Ledger Nos. 4409040 and 4409016.

**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 allocation 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.

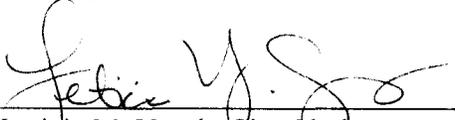
**SECTION 4.** This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes; otherwise it shall be effective ten (10) days after its passage.

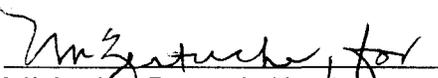
**PASSED AND APPROVED** this 17<sup>th</sup> day of January, 2013.

  
M A Y O R  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Letitia M. Vacek, City Clerk

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**

City of San Antonio



## Agenda Voting Results - 7

<b>Name:</b>	4, 5, 6, 7, 8, 10A, 10B, 10C, 10D, 12A, 12B, 13, 15, 16, 17						
<b>Date:</b>	01/17/2013						
<b>Time:</b>	09:25:30 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance approving a five-year lease extension with W. W. Tichenor & Co., Inc., d.b.a. Stargazer Aviation for 12,877 square feet of hangar space and 13,777 square feet of ground space at San Antonio International Airport for an annual rent totaling \$37,059.45. [Ed Belmares, Assistant City Manager; Frank Miller, Director, Aviation]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x			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				
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				

**ATTACHMENT**

**SAN ANTONIO INTERNATIONAL AIRPORT  
AMENDMENT OF LEASE**

**THIS AMENDMENT OF LEASE** is entered into by and between **W. W. Tichenor & Co., Incorporated d.b.a Stargazer Aviation** and the **City of San Antonio ("City")** acting by and through its City Manager pursuant to Ordinance No. \_\_\_\_\_ passed and approved on \_\_\_\_\_ with reference to the following facts:

**WHEREAS**, City and Lessee entered into that certain San Antonio International Airport Lease commencing January 1, 2008, pursuant to Ordinance No. 2008-05-01-0342 (hereinafter the "Lease) on a month-to-month basis; and

**WHEREAS**, Lessee desires increased certainty regarding its presence at San Antonio International Airport and has requested to establish a fixed term for the Lease; and

**WHEREAS**, the City is willing to grant this request but requires that various provisions of the Lease regarding rent be modified; and City and Lessee have negotiated a term extension,

**NOW THEREFORE:** in consideration of the terms, covenants and promises, agreements and demises herein contained, and for other good and valuable consideration, each to the other given, the receipt and sufficiency of which is hereby acknowledged, Lessee and City agree:

I. The Lease Agreement is hereby modified as follows:

A. The Lease term is hereby extended through January 31, 2018. Upon mutual agreement of Lessee and City, acting through the Aviation Director, this Lease may be extended for up to three (3) one-year periods.

B. Effective February 1, 2013, rentals shall be as follows:

	<u>Square Footage</u>	<u>Annual Rate Per Sq. Ft.</u>	<u>Annual Rental</u>	<u>Monthly Rental</u>
Ground Premises	13,777	\$0.40	\$5,510.80	\$459.23
Portion of Hangar	12,877	\$2.45	\$31,548.65	\$2,629.05

C. Effective February 1, 2013, the amount of the performance guarantee required in Section 7.1 is increased to \$18,600.00. The amount remains subject to adjustment as provided in the Lease.

D. Standard Provision 1.1 is deleted in its entirety and replaced with the following:

1.1 Economic Adjustment

A. On February 1, 2018 and every five years thereafter as applicable, the rent shall be increased by fifteen percent (15%) for the ensuing five (5) year period.

E. Standard Provision 1.3 of the Lease Agreement is deleted in its entirety.

II. This Amendment sets forth the entire agreement between the parties.

III. The Amendment shall be effective upon execution by City.

IV. This Amendment is executed in multiple counterparts each of which contains all required original signatures and shall be considered an original on its own.

**IN WITNESS WHEREOF**, the undersigned have duly executed this Amendment as of the dates set forth below.

**CITY OF SAN ANTONIO**  
A Texas home-rule municipality

**W.W. Tichenor & Co., Incorporated**  
**d.b.a. Stargazer Aviation**

By: \_\_\_\_\_  
Sheryl Sculley, City Manager

By: Warren W. Tichenor  
Warren W. Tichenor  
Printed Name

Date: \_\_\_\_\_

President  
Title

Approved as to form:

\_\_\_\_\_  
City Attorney

Date: 11/26/12