

AN ORDINANCE 2014 - 05 - 15 - 0337

**AUTHORIZING A \$147,003.50 REIMBURSEMENT TO
LANDRY'S RESTAURANTS, INC. FOR REPAIR TO THE
TOWER OF THE AMERICAS.**

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WHEREAS, on November 18, 2004, City Council approved Ordinance 99996 with Willie G's Post Oak, Inc., dba Landry's Restaurants, Inc. ("Landry's") to renovate and operate the Tower of the Americas in Hemisfair Park (the "Tower") for a 15 year term with one 10 year renewal; and

WHEREAS, following extensive renovation, the Tower re-opened to the public on June 22, 2006; and

WHEREAS, per the agreement, Landry's is responsible for maintenance of the elevators and interior improvements while the City is responsible for maintenance of the Tower's mechanical systems and structural components; and

WHEREAS, in October, Landry's worked with WJE Engineers and Winco of South Texas to investigate and propose improvements to rusted horizontal members supporting exterior concrete stucco on the underside of the Tower restaurant; and

WHEREAS, prior to engaging Winco to undertake improvements, Landry's advised the City of their investigation, and proposed engaging Winco to undertake repair work at the Tower of the Americas and then request reimbursement from the City following Landry's payment to Winco; and

WHEREAS, due to the seriousness of the repair, the specialized nature of the work, and the possible impact to public safety by delay, Landry's was authorized to contract with Winco and then seek reimbursement from the City with the understanding the City may reimburse Landry's via direct payment or rent credit; and

WHEREAS, this plan of action was coordinated with the Transportation and Capital Improvements, Building and Equipment Services Department, and the City Attorney's Office; and

WHEREAS, repairs were completed in December, and the City received Landry's proof of payment to Winco on March 31; and

WHEREAS, the City will reimburse Landry's in the amount of a \$113,516.00 payment and a \$33,487.50 rent credit; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee, or the Director of the Center City Development Office or her designee, is authorized to reimburse Landry's Restaurants Inc. ("Landry's") in the

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total amount of \$147,003.50. This reimbursement shall take the form of a payment of \$113,516.00 to Landry's and a credit against rent owed by Landry's for the Tower of the Americas lease in the amount of \$33,487.50.

SECTION 2. Funding for this ordinance is available as part of the Fiscal Year 2014 budget per the table below.

Amount	General Ledger	Cost Center	Fund
\$105,516.00	5204050	3506010003	76001000
\$ 8,000.00	5201040	1902010001	11001000
Total Amount	\$113,516.00		

SECTION 3. Payment not to exceed \$113,516.00 is authorized to Landry's Restaurants, Inc. 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 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 5. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 15th day of May, 2014.

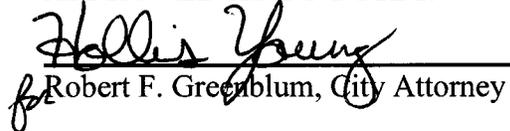


M A Y O R
Julián Castro

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Robert F. Greenblum, City Attorney

Agenda Item:	17 (in consent vote: 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 28A, 28B, 29, 29A, 29B)						
Date:	05/15/2014						
Time:	09:40:29 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a \$147,003.50 reimbursement to Landry's Restaurants for repair to the Tower of the Americas. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development Office]						
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				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				