

AN ORDINANCE 2010-12-09-1021

**AUTHORIZING A FIVE-YEAR LEASE EXTENSION WITH RAINFOREST CAFÉ, INC. FOR RIVER WALK PATIO SPACE FOR A FIRST YEAR RENTAL PAYMENT OF \$4,704.00.**

\* \* \* \* \*

**WHEREAS**, on January 5, 2006, City Council approved a lease agreement with Rainforest Cafe, Inc. for the use of 196 square feet of public space on the River Walk for an initial five year term through January 14, 2011; and

**WHEREAS**, the leased area is located at river level and is immediately south of the Crockett Street bridge; and

**WHEREAS**, the lease authorizes Rainforest Café, Inc. to utilize the area for outdoor dining, but no outdoor entertainment, which is consistent with other leases on the River Walk; and

**WHEREAS**, presently, Rainforest Café, Inc. has tables and chairs on the leased area, and any changes to outdoor furniture are subject to review and approval by the Office of Historic Preservation; and

**WHEREAS**, the lease extension expires on January 14, 2016; and

**WHEREAS**, Rainforest Café, Inc. is a tenant in good standing; and

**WHEREAS**, Rainforest Café, Inc. has complied with the provisions of their lease agreement, made prompt payments throughout the first five years of the lease, and have no unpaid invoices due to the City of San Antonio; **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 Downtown Operations Department or her designee is hereby authorized to execute a five-year lease extension with Rainforest Café, Inc. for River Walk patio space for a first year rental payment of \$4,704.00. A copy of said lease agreement is attached hereto and incorporated herein for all purposes as **Attachment I.**

**SECTION 2.** Funds generated by this ordinance will be deposited into Fund 29093000, WBS Element OR-00001-01-01-01 and General Ledger 4407711.

**SECTION 3.** The financial fiscal allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer, 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.

SW/mgc  
12/09/10  
Item# 17

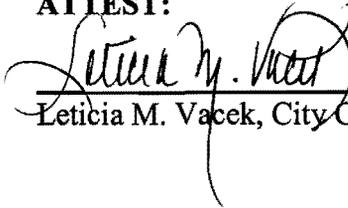
**SECTION 4.** This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 9<sup>th</sup> day of December, 2010.



M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Michael Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**

City of San Antonio



## Agenda Voting Results - 17

<b>Name:</b>	6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23A, 23B, 25, 27A, 27B, 29, 30, 31, 34, 35, 36, 37, 38A, 38B, 39A, 39B, 39C, 40A, 40B, 41, 42						
<b>Date:</b>	12/09/2010						
<b>Time:</b>	10:12:31 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing a five-year lease extension with Rainforest Cafe for River Walk patio space for first year rental payment of \$4,704.00. [A.J. Rodriguez, Deputy City Manager; Paula X. Stallcup, Director, Downtown Operations]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				x
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	

**FIRST AMENDMENT TO LEASE AGREEMENT  
RAINFOREST CAFÉ, INC. RIVER WALK PATIO SPACE**

**State of Texas  
County of Bexar**

This First Amendment to Lease Agreement for River Walk patio space is made and entered into between the City of San Antonio, A Texas Municipal Corporation ("City"), acting herein through its City Manager pursuant to Ordinance # \_\_\_\_\_ passed and approved on \_\_\_\_\_, 2010 and Rainforest Café, Inc. ("Lessee"), which amends the Lease Agreement passed and approved pursuant to Ordinance #2006-01-05-39 on January 5, 2006. City and Lessee hereby agree to amend the Lease Agreement as follows:

**1. Amending Article 3, TERM AND TERMINATION**

The following section 3.2 is added:

3.2 The term of this lease agreement is extended for five (5) year period, beginning January 15, 2011 and ending on January 14, 2016, unless terminated sooner according to provisions within lease agreement.

**2. Amending Article 4. RENTAL**

The following sections 4.1.6 – 4.1.10 are added to identify rental payment amounts and due date:

- 4.1.6 Year 6, beginning January 15, 2011 & ending January 14, 2012 rental rate shall be \$2.00 per square foot per month, or **\$392.00 per month.**
- 4.1.7 Year 7, beginning January 15, 2012 & ending January 14, 2013 rental rate shall be \$2.05 per square foot per month, or **\$401.80 per month.**
- 4.1.8 Year 8, beginning January 15, 2013 & ending January 14, 2014 rental rate shall be \$2.10 per square foot per month, or **\$411.60 per month.**
- 4.1.9 Year 9, beginning January 15, 2014 & ending January 14, 2015 rental rate shall be \$2.15 per square foot per month, or **\$421.40 per month.**
- 4.1.10 Year 10, beginning January 15, 2015 & ending January 14, 2016 rental rate shall be \$2.20 per square foot per month, or **\$431.20 per month.**

CITY and LICENSEE agree that all other terms and conditions of the License Agreement remain unchanged.

IN WITNESS WHEREOF, we have affirmed our signatures on this \_\_\_\_ day of \_\_\_\_\_, 2010.

LESSEE:

Rainforest Café, Inc.  
1510 West Loop South, Houston, TX

Signature: 

CITY:

City of San Antonio, Texas  
A Texas Municipal Corporation

Signature: \_\_\_\_\_

Printed Name: Steven L. Scheinthal Sheryl Sculley, City Manager  
Vice President

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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

