SW/vv
12/04/14
Item #11

AN ORDINANCE 2014-12-04-0945

AUTHORIZING A $247,227.00 REIMBURSEMENT PAYMENT TO LANDRY'S RESTAURANTS FOR REPAIR TO THE TOWER OF THE AMERICAS.

* * * * *

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 structural components and mechanical systems; including the electrical connection (bus system) from the utility vault at the base of the Tower to the bus system termination at the top; and

WHEREAS, on September 5, a late afternoon thunderstorm with unusually high winds drove rainwater through vents in the shaft and into the bus system approximately 90' above ground level, disrupting electrical service to the top of the Tower; and

WHEREAS, in coordination with the City and CPS Energy, Landry's engaged Davila Electric and Alterman Inc. for emergency, temporary repairs and electrical service was restored within 36 hours; and

WHEREAS, the Building and Equipment Services Department (BESD) utilized Alderson and Associates, the City's on-call electrical engineering firm, to investigate the cause of the electrical failure, to inspect the temporary repair, and to evaluate the proposed permanent repair submitted by Alterman Inc.; and

WHEREAS, Alderson confirmed the cause of the failure, determined the temporary repair was safe, and endorsed the proposed repair plan. In order to expedite repair, Landry's agreed to assume responsibility for repair costs with the City to reimburse Landry's upon delivery of proof of payment in full; and

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

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WHEREAS, repairs were completed in October, and the City anticipates receipt of Landry's proof of payment to Davila Electric and Alterman Inc. in November; **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 and Operations Department or her designee, is authorized to reimburse Willie G's Post Oak, Inc, a subsidiary of Landry's Restaurants Inc. ("Landry's"), in the total amount of $247,227.00 for repair to the Tower of the Americas.

SECTION 2. The City Manager or her designee, or the Director of the Center City Development Office or her designee, is further authorized to execute any and all necessary documents to effectuate said reimbursement.

SECTION 3. The amount of $247,227.00 is appropriated for this ordinance in Fund 76001000, Cost Center 3506010003, General Ledger 5204050 and the Fiscal Year 2015's Budget is amended to reflect this change.

SECTION 4. Payment not to exceed the budgeted amount is authorized to Willie G's Post Oak, Inc. and should be encumbered with a purchase order.

SECTION 5. 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 6. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 4th day of December, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**11 (in consent vote: 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 16D, 16E, 17, 18, 19, 20, 21, 22A, 22B, 23, 24, 26, 27, 28, 30, 31, 33, 34)**
Date:	12/04/2014
Time:	09:28:18 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing a $247,227.00 reimbursement payment to Landry's Restaurants for repair to the Tower of the Americas. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development and Operations]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
	District 1	x					
Keith Toney	District 2		x				
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	