

AN ORDINANCE

**97853**

**AUTHORIZING THE EXECUTION OF A 2003 AMENDMENT TO PANCHITOS' LEASE AND LICENSE AGREEMENT WITH FRANK SEPULVEDA, AS TENANT, PROVIDING FOR AN INCREASE IN THE LEASED PREMISES AND LICENSED AREA BY AN ADDITIONAL 716 SQUARE FEET IN THE BASEMENT OF 115 PLAZA DE ARMAS, A CITY-OWNED BUILDING, TO PROVIDE THE TENANT SPACE FOR A SEPARATE DINING AREA IN THE RESTAURANT, A SMALL OFFICE AREA, STORAGE AND SPACE FOR AN ICEMAKER FOR \$20,475.00 OF TOTAL ADDITIONAL RENT FOR THE FIRST OPTION TERM, PAYABLE FROM OCTOBER 1, 2003 THROUGH DECEMBER 31, 2006, AND \$34,020.00 OF ADDITIONAL RENT, IF THE TENANT RENEWS THE SECOND OPTION TERM, COMMENCING JANUARY 1, 2007 AND ENDING ON DECEMBER 31, 2011.**

\* \* \* \* \*

**WHEREAS**, following the purchase of the Plaza de Armas Building from Frank Sepulveda, the City authorized a fifteen year Lease and License Agreement between the City and Frank Sepulveda d/b/a Panchito's ("Tenant"), pursuant to Ordinance Number 64279, passed and approved on December 23, 1986, for use of certain real property in the basement of 115 Plaza de Armas Building for a fifteen year term and two five year renewals at the Tenant's option, said Agreement having been later amended by Ordinance Numbers 83637 dated February 15, 1996 and 95834 dated May 30, 2002; and

**WHEREAS**, the lease is in the second year of the first five-year option period, which ends on December 31, 2006; and

**WHEREAS**, Frank Supelveda has asked that the City provide additional needed space by increasing the leased premises and licensed area by an additional 716 square feet in the basement of 115 Plaza de Armas Building, for a separate dining area in the restaurant, a small office area, storage, and space for an icemaker for additional rent consideration in the amount of \$20,475.00 for the first term option, and added rent consideration in the amount of \$34,020 if the Tenant renews the Second Option Term on January 1, 2007; and

**WHEREAS**, this action is consistent with the City's policy that all contracts be amended or modified as necessary to best provide for the use of City-owned property; **NOW THEREFORE**,

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

**SECTION 1.** The execution by the City Manager or her designee is hereby authorized of a 2003 Amendment to Panchitos' Lease and License Agreement ("Third Amendment to Agreement") with Frank Sepulveda, as Tenant, (Panchito's Restaurant), amending the agreement originally authorized by Ordinance Number 64279, passed and approved on December 23, 1986, and previously amended by Ordinance Numbers 83637 dated February 15, 1996 and 95834 dated May 30, 2002 to increase the leased premises and licensed area by an additional 716 square feet in the basement of 115 Plaza de Armas Building, a City-owned building, to provide the Tenant space for a separate dining area in the restaurant, a small office area, storage, and space for an

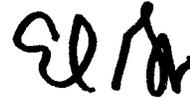
icemaker, for \$20,475.00 of total additional rent for the first five-year option term, payable from October 1, 2003 through December 31, 2006, and additional rent consideration in the amount of \$34,020 if the Tenant renews the Second Option Term on January 1, 2007 and ending December 31, 2011. A copy of said document, signed by the Tenant, is affixed hereto and incorporated herein verbatim for all purposes as Attachment I.

**SECTION 2.** The proceeds of these agreements shall be deposited into Fund 11-000 entitled "General Fund," Index Code 017301, entitled, "Panchito's -Plaza De Armas Bldg Lease."

**SECTION 3.** 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 allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** This Ordinance shall be effective on July 6, 2003.

**PASSED AND APPROVED** June 26, 2003.



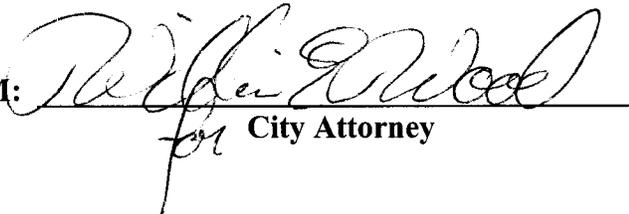
M A Y O R  
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney