

AN ORDINANCE **97963**

AUTHORIZING THE EXECUTION OF A SECOND RENEWAL AND EXTENSION OF LEASE AGREEMENT (INCORPORATING AMENDMENT TO LEASE AGREEMENT) FOR THE CONTINUED RENTAL OF 1,310 SQUARE FEET OF OFFICE SPACE AT 1344 S. FLORES FOR USE AS A CONSTITUENT OFFICE FOR 2 YEARS FROM JULY 1, 2003 THROUGH JUNE 30, 2005, AT A RENTAL OF \$1,500.00 PER MONTH, WITH A RIGHT TO A THIRD RENEWAL FOR TWO ADDITIONAL YEARS, AT A RENTAL OF \$1,716.00, SUBJECT TO CITY COUNCIL APPROVAL AND CONTINGENT UPON ANNUAL APPROPRIATION OF FUNDS, AS REQUESTED BY MAYOR ED GARZA.

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WHEREAS, Ordinance Number 95161, passed and approved on January 10, 2002 approved a Lease Agreement-1344 S. Flores Street-Mayor's Office between the City of San Antonio, as Tenant, and C.A.N. Industries, Inc., as Landlord, for the rental of approximately 1,310 gross square feet located at such address for use as a constituent office for Mayor Ed Garza; and

WHEREAS, the term of said Lease Agreement expired September 30, 2002 and was renewed for the period from October 1, 2002 through June 30, 2003, by a Renewal and Extension of Lease Agreement, pursuant to Ordinance Number 96748, passed and approved on November 14, 2002; and

WHEREAS, Mayor Ed Garza has requested by a Six-signature Memorandum that the Lease Agreement be renewed and extended for a term which commenced July 1, 2003 and terminates on June 30, 2005; and

WHEREAS, the Landlord has asked that the Lease Agreement be amended to provide for a 90 day early termination of the lease term, upon written evidence of a Closing of the Sale of the Building in which the Leased Premises is located and in return is agreeable to reducing the original rent for the term of the Second Renewal and Extension of Lease Agreement from \$1,716.00 to \$1,500.00 per month ; and

WHEREAS, the Landlord is also agreeable to granting the City, as Tenant, and at the City's option, a right to a third renewal and extension for two additional years at a rental of \$1,716.00, the rate originally established for the second renewal and extension, subject to City Council approval and contingent upon annual appropriation of funds;

WHEREAS, the terms of this Second Renewal and Extension of Lease Agreement are in the best interests of the City of San Antonio; **NOW THEREFORE**;

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

SECTION 1. Execution by the City Manager or her designee is hereby authorized of the Second Renewal and Extension of Lease Agreement (incorporating Amendment to Lease Agreement), between the City, as Tenant, and C.A.N. Industries, Inc., as Landlord, for use of 1,310 square feet at 1344 S. Flores Street as a constituent office by the Mayor for a term which commenced July 1, 2003 and terminates June 30, 2005, as amended to provide Landlord a 90 day early termination provision, in return for reduction of rent to \$1,500.00 per month and a third renewal and extension for two years at \$1,716.00 per month, subject to City Council approval and appropriation of funds.

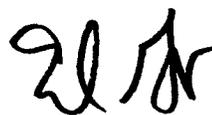
SECTION 2. A copy of the request of Mayor Garza is attached as **Exhibit "A"** hereto and incorporated verbatim for all purposes and a copy of the Second Renewal and Extension of Lease Agreement (incorporating Amendment to Lease Agreement), executed on behalf of C.A.N. Industries, Inc., is attached hereto and incorporated herein verbatim for all purposes as **Exhibit "B."**

SECTION 3. Funds in the amount of \$4500.00 are authorized to be encumbered in Fund 11-000000 (General Fund) in Index Code 602813 entitled "Rental of Facilities" and are made payable to C.A.N. Industries, Inc. for rent from the date of occupancy through September 30, 2003. Funding for the remainder of the lease, October 1, 2003 through June 30, 2005, is contingent upon annual budget appropriations.

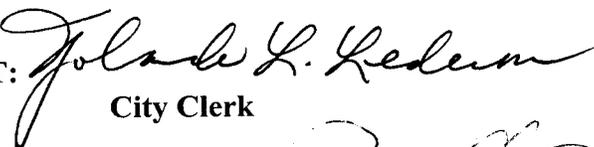
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

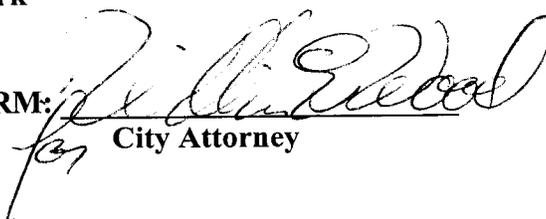
SECTION 5. This ordinance shall take effect on August 17, 2003.

PASSED AND APPROVED this 7th day of August, 2003.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney