

AN ORDINANCE 99996

AUTHORIZING THE EXECUTION OF A FIFTEEN (15) YEAR LEASE AGREEMENT WITH WILLIE G'S POST OAK, INC., A WHOLLY OWNED SUBSIDIARY OF LANDRY'S RESTAURANTS, INC., FOR OPERATION OF THE TOWER OF THE AMERICAS IN CITY COUNCIL DISTRICT 1; APPROVING ASSIGNMENT OF A LICENSE AGREEMENT WITH LIONS CLUB OF SAN ANTONIO FOR OPERATION OF TELESCOPES; AND APPROPRIATING FUNDS FOR CAPITAL IMPROVEMENTS TO THE TOWER.

* * * * *

WHEREAS, on October 28, 2003, the City of San Antonio issued a Request for Proposals (RFP) for operation of the Tower of the Americas which subsequently was closed on January 9, 2004; and

WHEREAS, the City Council selected the proposal from Landry's Restaurants, Inc. and authorized staff to negotiate an agreement on March 4, 2004 through Ordinance 98910; and

WHEREAS, the City and Landry's Restaurants, Inc. have negotiated an agreement; and

WHEREAS, the agreement specifies that a current agreement with the Lions Club of San Antonio dated August 27, 1998 will be assigned to Landry's Restaurants, Inc.; and

WHEREAS, the agreement also stipulates that Landry's Restaurants, Inc. will complete capital improvements that have been identified by the City and authorized through City funding ordinances; **NOW THEREFORE:**

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

Section 1. The Interim City Manager or his designee is hereby authorized to execute a fifteen year lease agreement with Willie G's Post Oak, Inc., a wholly owned subsidiary of Landry's Restaurants, Inc., for operation of the Tower of the Americas. A copy of said lease agreement is affixed hereto, approved hereby and incorporated herein for all purposes as Attachment I.

Section 2. In connection with the expenditure of funds for the Landlord Supported Improvements under the lease agreement, the City hereby delegates to Willie G's Post Oak, Inc., as its designated representative, the City's authority and the administrative task of complying with the Procurement Statutes pursuant to section 271.114(a) of the Texas Local Government Code and the City's authority as a home rule municipality.

Section 3. Pursuant to the terms of the lease agreement with Willie G's Post Oak, Inc., the current agreement with the Lion's Club of San Antonio dated August 27, 1998 is hereby assigned to Landry's Restaurants, Inc.

Section 4. The budget in SAP fund 29027000, Special Rev Reserve Fund, shall be revised by reducing SAP GL Account 6102100 - Interfund Transfers Out, and increasing SAP internal order 390000000348, GL Account 6102100 - Interfund Transfers Out by the amount of \$72,000.00 to be transferred to SAP Fund 45099000, General Obligation Capital Projects. The amount of \$72,000.00 is authorized to be transferred from SAP Fund 29027000 to SAP fund 45099000.

Section 5. The amount of \$1,600,000.00 is appropriated in SAP fund 45804000, "2003 Park Bonds", in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$1,600,000.00 is authorized to be transferred from SAP fund 45804000 to SAP fund 45099000.

Section 6. The amount of \$277,000.00 is appropriated in SAP fund 43505001, "2004 Tower Of The Americas", in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$277,000.00 is authorized to be transferred from SAP fund 43505001 to SAP fund 45099000.

Section 7. The amount of \$205,700.00 is appropriated in SAP fund 43182000, "2002 Parks Imprvmt", in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$205,700.00 is authorized to be transferred from SAP fund 43182000 to SAP fund 45099000.

Section 8. The budget in SAP fund 45099000, General Obligation Capital Projects, Project Definition 26-00270, shall be revised by increasing WBS element 26-00270-90-01, entitled "Trf Fr 29027000 Special Rev Reserve Fund", internal order 311000000348, SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$72,000.00.

Section 9. The budget in SAP fund 45099000, General Obligation Capital Projects, Project Definition 26-00270, shall be revised by increasing WBS element 26-00270-90-02, entitled "Trf Fr 45804000", SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$1,600,000.00.

Section 10. The budget in SAP fund 45099000, General Obligation Capital Projects, Project Definition 26-00270, shall be revised by increasing WBS element 26-00270-90-03, entitled "Trf Fr 43505001", SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$277,000.00.

Section 11. The budget in SAP fund 45099000, General Obligation Capital Projects, Project Definition 26-00270, shall be revised by increasing WBS element 26-00270-90-04, entitled "Trf Fr 43182000", SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$205,700.00.

Section 12. The amount of \$2,154,700.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, Project Definition 26-00270, in SAP WBS element 26-00270-05-08-01, entitled "Reimbursement for Tower Contractor Impr", and is authorized to be encumbered and made payable to Willie G's Post Oak, in connection with the Tower of the Americas Rehabilitation project, when the purchase order is issued.

Section 13. The proceeds of this agreement shall be deposited into Fund 11-001000 entitled "General Fund," Functional Area 260020000006 and RCC 2604030001, Internal Orders 226000000316 entitled "Tower Restaurant Operations", 226000000317 entitled "Tower Observation Deck Operations", 226000000318 entitled "Tower Parking Operations", 226000000319 entitled "Tower Retail Operations", 226000000320 entitled "Tower Telescope and Other Operations" and 226000000321 entitled "Tower Theater and Incidental Operations."

Section 14. 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, the interim City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP internal orders, SAP funds Centers, SAP Cost Centers, SAP Funcional Areas, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

Section 15. This ordinance shall be effective on and after November 28, 2004.

PASSED AND APPROVED this 18th day of November 2004.



M A Y O R
EDWARD D. GARZA

ATTEST: *Leticia M. Vaca*
City Clerk

APPROVED AS TO FORM: *Guadalupe*
City Attorney

Agenda Voting Results

Name: 43.

Date: 11/18/04

Time: 08:34:53 PM

Vote Type: Multiple selection

Description: An Ordinance authorizing the execution of a fifteen (15) year lease agreement with Willie G's Post Oak, Inc., a wholly owned subsidiary of Landry's Restaurants, Inc., for operation of the Tower of the Americas; approving assignment of a license agreement with the Lions Club of San Antonio for operation of telescopes; and appropriating funds in the amount of \$2,154,700.00 for capital improvements to the Tower.

[Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Notes: Motioned: RON H. SEGOVIA Seconded: RICHARD PEREZ Notes:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2	Not present			
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8	Not present			
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		