

AN ORDINANCE 100160

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BRACEWELL & PATTERSON, L.L.P, TO ALLOW FOR PAYMENT OF AN ADDITIONAL \$115,261.00, INCREASING THE TOTAL CONTRACT AMOUNT TO \$241,261.00, FROM 2003-2007 PARK BONDS FOR ADDITIONAL LEGAL SERVICES PROVIDED IN NEGOTIATING THE LEASE AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF THE TOWER OF THE AMERICAS.

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WHEREAS, on March 4, 2004, the City Council passed Ordinance No. 98910, selecting Landry's Restaurants, Inc. (Landry's) and authorizing contract negotiations for the development, operation and maintenance of the Tower of the Americas; and

WHEREAS, because of the complexity and uniqueness of the issues involved in this transaction, the City Attorney sought outside legal expertise to provide all necessary legal services; and

WHEREAS, the law firm of Bracewell & Patterson, L.L.P. was selected and approved through Ordinance No. 99387 on June 24, 2004 to perform legal services on behalf of the City including preparing and negotiating a Lease and Development Agreement with Landry's which was passed and approved by City Council on November 18, 2004 by Ordinance No. 99996; and

WHEREAS, the sum of \$125,000.00 was originally appropriated for these services but negotiations proved more difficult and longer than originally anticipated, causing the legal fees to exceed the original estimate; and

WHEREAS, this ordinance will appropriate an additional \$115,261.00 from 2003-2007 Park Bond Funds proceeds for these professional services and authorize an amendment to the professional services contract to allow for this payment; **NOW THEREFORE:**

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

SECTION 1. The Interim City Manager or his designee or the City Attorney is hereby authorized to execute an amendment to the professional services agreement with Bracewell & Patterson, L.L.P. for legal services in connection with the negotiation and drafting of a Lease and Development Agreement for development, operation and maintenance of the Tower of the Americas by Landry's Restaurants, Inc. to allow for payments in the amount of \$115,261.00 in excess of amounts originally authorized.

SECTION 2. The amount of \$115,261.00 is appropriated in SAP fund 45804000, "2003 Park Bonds", in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$115,261.00 is authorized to be transferred from SAP fund 45804000 to SAP fund 45099000.

SECTION 3. 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 GI Account 6101100 - Interfund Transfers In, by the amount of \$115,261.00.

SECTION 4. The amount of \$115,261.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, Project Definition 26-00270, in SAP WBS Element 26-00270-05-08-02, entitled "Legal Fees" and is authorized to be encumbered and made payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Tower of the Americas Rehabilitation project, when the purchase order is issued.

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 Interim City Manager, or the Interim City Manager's designee, correct allocation 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 shall become effective on and after December 26, 2004.

PASSED AND APPROVED this 16th day of December 2004.



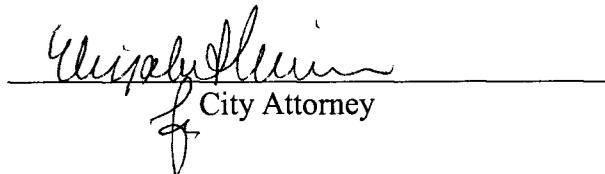
M A Y O R
EDWARD D. GARZA

ATTEST:



Lucia M. Reed
City Clerk

APPROVED AS TO FORM:



City Attorney