

AN ORDINANCE 101463

AUTHORIZING PAYMENT TO BRACEWELL & GIULIANI, L.L.P. IN THE AMOUNT OF \$95,572.24 FOR LEGAL SERVICES PERFORMED THROUGH JULY 31, 2005 IN CONNECTION WITH THE RESIDENTIAL CONDOMINIUMS TO BE CONSTRUCTED ABOVE THE NEW CONVENTION CENTER HOTEL FROM FUNDS PREVIOUSLY REMITTED TO THE CITY BY FAULKNER USA, INC.; AND AUTHORIZING THE PAYMENT OF FUTURE INVOICES FROM ADDITIONAL FUNDS TO BE PROVIDED TO THE CITY BY THE DEVELOPER.

\* \* \* \* \*

**WHEREAS**, in April 2005, the City Council approved the terms of various agreements with Hotel Investments, L.P. (the "Developer") to design, develop, construct and operate the Convention Center Hotel (the "Project") on City property adjacent to the Henry B. Gonzalez Convention Center; and

**WHEREAS**, in addition to the design, development and construction of the Project, the Developer proposed to design, build, and offer for sale residential condominiums above the Convention Center Hotel and agreed to pay numerous costs associated with this aspect of the Project, including legal costs; and

**WHEREAS**, the City Council subsequently authorized a Purchase and Sale Agreement with the Developer in June 2005 to provide for the residential condominiums, which agreement was prepared by Bracewell & Giuliani L.L.P., the firm previously selected by City Council to represent the City on the Project based upon the firm's history of representing the City during prior efforts to develop a convention center hotel; and

**WHEREAS**, in addition to preparing and negotiating the primary legal documents for the Project, the Bracewell firm, at the City's direction, has drafted multiple legal documents related to the residential condominiums that are required for the conveyance and use of airspace immediately above the Convention Center Hotel; and

**WHEREAS**, in accordance with its agreement with the City, the Developer has advanced to the City \$100,000.00 toward legal costs to be incurred in connection with the residential condominiums associated with the Project; and

**WHEREAS**, additional funds needed for legal services required to complete the documents for this aspect of the Project will also be provided by the Developer; **NOW THEREFORE:**

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

**SECTION 1.** Funds in the amount of \$95,572.24 are authorized to be paid to Bracewell & Giuliani L.L.P. for legal services performed through July 31, 2005 in connection with the residential condominiums to be constructed above the Convention Center Hotel.

**SECTION 2.** Funds in the amount of \$95,572.24 are authorized to be paid from funds that have been previously advanced to the City by the Developer for legal costs associated with the Project. These funds are appropriated in Fund 45902006, entitled "2005 GO Refund Bonds," and are to be made payable to Bracewell & Giuliani L.L.P.

**SECTION 3.** Future payments from the balance of the \$100,000.00 advance plus additional funds to be provided to the City by the Developer are authorized to be paid to Bracewell & Giuliani L.L.P. for legal services needed to finalize all documents related to this aspect of the Project subject to the approval of the City Attorney's Office.

**SECTION 4.** 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 5.** This Ordinance shall become effective immediately upon the passage by eight (8) affirmative votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10<sup>th</sup>) day after passage hereof.

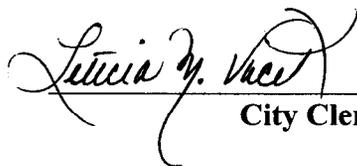
PASSED AND APPROVED this 29<sup>th</sup> day of SEPTEMBER 2005.



M A Y O R

PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



for Acting City Attorney