

AN ORDINANCE **101876**

AUTHORIZING EXECUTION OF AN AMENDMENT TO THE STINSON MUNICIPAL AIRPORT LEASE AGREEMENT, BETWEEN THE CITY OF SAN ANTONIO AND CARLOS P. DELGADO/ALMA A. RICO, FOR OPERATION OF THE STINSON FIELD PATIO CAFÉ AT STINSON MUNICIPAL AIRPORT TO ALLOW THE EXTENSION OF THE EXISTING LEASE TERM TO THE EARLIER OF APRIL 30, 2007 OR THE COMPLETION OF THE NEW CAFÉ FACILITY WITHIN THE NEW STINSON TERMINAL BUILDING.

* * * * *

WHEREAS, Lease Number 200700 for lease of 715 square feet of restaurant space and 2,174 square feet of patio space at Stinson Municipal Airport ("Stinson") was entered into by and between Mary R. Herrera and the City pursuant to Ordinance No. 89612, dated April 15, 1999; and

WHEREAS, Lease No. 200700 was subsequently assigned on three additional occasions (Ordinance No. 92491, dated September 21, 2000, Ordinance No. 93828, dated April 26, 2001 and Ordinance No. 97682, dated May 29, 2003) vesting current Lease rights and obligations in Carlos P. Delgado and Alma A. Rico; and

WHEREAS, the Lease Agreement was extended for one year by written agreement of both parties on April 29, 2004; and

WHEREAS, the Extended Term of the Lease Agreement expired on April 14, 2005; and

WHEREAS, the parties desire to extend the term of the Lease Agreement for a period ending on the date of the completion of the new café facility at Stinson Municipal Airport but no later than April 14, 2008; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or his designee is authorized and directed to execute the Stinson Municipal Airport Amendment Of Lease Agreement in a form substantially the same in form and content as the document attached as "Attachment 1".

SECTION 2. The proceeds of this agreement shall be deposited into Fund 51001000 entitled "Airport Operations", Internal Order 233000000014, General Ledger Accounts 4405405, entitled "Stinson Building Rental Non-Aviation; 4405415, entitled "Stinson Ground Rental Non-Aviation; and 4409036 entitled "Aviation Non-Aviation Concessions."

SECTION 3. 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 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 4. This Ordinance shall be effective ten (10) days after its passage.

PASSED AND APPROVED this 15th day of December, 2005.



M A Y O R

PHIL HARDBERGER

ATTEST: *Lucia M. Vaut*
City Clerk

APPROVED AS TO FORM: *Mr Zentuck*
for City Attorney

Agenda Voting Results

Name: 37.

Date: 12/15/05

Time: 03:08:30 PM

Vote Type: Multiple selection

Description: An Ordinance authorizing execution of an Amendment to the Stinson Municipal Airport Lease Agreement with Carlos P. Delgado/Alma A. Rico, for operation of the Stinson Field Patio Café at Stinson Municipal Airport to allow the extension of the existing lease term to the earlier of April 30, 2007 or the completion of the new Café facility within the new Stinson Terminal Building. [Presented by Mark H. Webb, Interim Director, Aviation; Roland A. Lozano, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

WHD/lbh
12/15/05
Item No. 37

ATTACHMENT 1

ATTACHMENT 1

**STINSON MUNICIPAL AIRPORT
AMENDMENT OF LEASE AGREEMENT**

THIS AMENDMENT OF LEASE is made in multiple originals and entered into by and between the City of San Antonio, a Texas Municipal Corporation (hereinafter called "Lessor"), acting by and through its City Manager pursuant to Ordinance No. _____ passed and approved on _____, 2005 and Carlos P. Delgado and Alma A. Rico (hereinafter called "Lessee");

WITNESSETH:

WHEREAS, an Agreement for Lease Number 200700 (hereinafter "Agreement"), at Stinson Municipal Airport (hereinafter "Airport"), by and between Mary R. Herrera and the City pursuant to Ordinance No. 89612, dated April 15, 1999 ; and

WHEREAS, Mary R. Herrera assigned her rights under the Agreement to SonChin Fuerte pursuant to Ordinance No. 92491, dated September 21, 2000; and

WHEREAS, SonChin Fuerte assigned her rights under the Agreement to William E. Fowler, Jr. and Esther A. Fowler pursuant to Ordinance No. 93828, dated April 26, 2001; and

WHEREAS, William E. Fowler, Jr. and Ester A. Fowler assigned their rights under the Agreement to Carlos P. Delgado and Alma A. Rico pursuant to Ordinance No. 97682, dated May 29, 2003; and

WHEREAS, the Lease Agreement was extended for one year by written agreement of both parties on April 29, 2004; and

WHEREAS, the Extended Term of the Lease Agreement expired on April 14, 2005; and

WHEREAS, the parties desire to extend the term of the Lease Agreement for a period ending on the date of the completion of the new café facility at Stinson Municipal Airport but no later than April 14, 2008.

Lessee and Lessor, in consideration of the mutual covenants hereinafter set forth, do hereby amend the above described Lease Agreement as follows:

"Article 3. The term of Lease Agreement No. 200700 is mutually renewed and extended for a term ending on the date of completion of the new café facility at Stinson Municipal Airport, but no later than April 14, 2008 unless sooner terminated according to the provisions of this Lease Agreement."

Except as expressly amended herein, all other terms of the Lease Agreement shall remain in full force and effect.

EXECUTED THIS _____ day of _____, 2005.

ATTEST:

CITY OF SAN ANTONIO, Lessor

City Clerk

CITY MANAGER

ATTEST: _____

Carlos P. Delgado, Lessee

Federal Tax ID No. _____

Alma A. Rico, Lessee

Federal Tax No. _____

APPROVED:

City Attorney