

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

AMENDING THE LEASE FOR THE TOWER OF THE AMERICAS WITH LANDRY'S RESTAURANT GROUP TO EXTEND THE LEASE FOR AN ADDITIONAL FIVE-YEAR TERM, AND PROVIDING AN ADDITIONAL FIVE-YEAR EXTENSION TERM. TOTAL REVENUE OF AT LEAST \$7,368,676.83 FOR THE LEASE TERM WILL BE DEPOSITED IN THE GENERAL FUND AS A RESULT OF THE LEASE EXTENSION AND \$2,412,933 WILL BE DEPOSITED INTO THE PARKING OPERATING AND MAINTENANCE FUND.

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WHEREAS, the City is the owner of certain real property situated in San Antonio, Bexar County, Texas, generally identified as the Tower of Americas (the "Premises"); and

WHEREAS, on October 23, 2003, City Council approved issuance of a request for proposal for the operation of the improvements on the Premises and associated parking; and

WHEREAS, in response to the request for proposals initiated by the City, the City Council, by Ordinance No. 98910, authorized the City Manager to enter into negotiations with Landry's Restaurants, Inc. for the development, operation and maintenance of the improvements located on the Premises; and

WHEREAS, by that certain Lease and Development Agreement authorized by Ordinance 99996 and dated effective as of November 18, 2004 (as (i) amended by that certain First Amendment to Lease and Development Agreement authorized by Ordinance 2007-05-17-0570 and dated as of June 1, 2007, (ii) further amended by that certain Second Amendment to Lease and Development Agreement authorized by Ordinance 2013-06-06-0389 and dated as of June 12, 2013, (iii) further amended by that certain Third Amendment to Lease and Development Agreement authorized by Ordinance 2019-09-12-0694A and dated as of September 12, 2019, and (iv) modified by that certain Letter of Understanding Regarding Holdover Status dated July 15, 2021), the City leased to Willie G's Post Oak, Inc. ("Tenant"), a wholly-owned subsidiary of Landry's Restaurants, Inc., the development, operation and maintenance of the improvements located at the Premises; and

WHEREAS, the Operating Term of the Original Lease expired as of midnight on June 30, 2021, and, pursuant to Section 2 of the Holdover Agreement, as of the Effective Date, Tenant continues to operate the Premises in a hold over status with the approval of the City; and

WHEREAS, the City and Tenant now desire to extend the Operating Term of the Original Lease and to amend and restate the Original Lease;

WHEREAS, the City and Tenant have agreed that during the course of the upcoming rental term, Tenant shall undertake certain capital improvements upon the Premises, including those capital

improvements that were approved through the 2022 Bond Program, which is reflected in the terms of the Amended & Restated Lease and Development Agreement;

NOW THEREFORE:

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

SECTION 1. The City Manager or designee is authorized to execute the Amended & Restated Lease and Development Agreement with Willie G's Post Oak, Inc. for the Premises with the right to a 5-year renewal term that requires approval by City Council. A copy of the Amended & Restated Lease and Development Agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The City Manager and designee, severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transaction, including executing and delivering all instruments and agreements conducive to effectuating the transaction.

SECTION 3. Funds received for this ordinance will be deposited in Fund 11001000, Internal Order 219000000008 and General Ledger 4407212.

SECTION 4. Funds received for this ordinance will be deposited in Fund 11001000, Internal Order 219000000180 and General Ledger 4407212.

SECTION 5. Funds received for this ordinance will be deposited in Fund 53001000, Internal Order 219000000133 and General Ledger 4401180.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 7. This Ordinance becomes effective immediately upon its passage by eight (8) votes or more and 10 days after passage upon its approval by less than eight (8) votes.

PASSED AND APPROVED this 5th day of December, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

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ATTACHMENT I

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