

ORDINANCE 2018-12-13-1035

**APPROVING AMENDMENT NO. 2 TO THE LICENSE AGREEMENT WITH CLASSICS ELITE SOCCER ACADEMY FOR OPERATIONS AND MAINTENANCE OF THE DESIGNATED SPORTS FIELDS AT MCALLISTER PARK FOR AN ADDITIONAL FIVE YEARS.**

\* \* \* \* \*

**WHEREAS**, Classics Elite Soccer Academy has established a community presence since 2004; and

**WHEREAS**, the league utilizes the designated sports fields at McAllister Park to provide organized youth sports activities year round; the league served over 1,500 area youth in 2017; and

**WHEREAS**, on May 10, 2008, Bexar County voters approved an extension of the 1999 hotel occupancy and short term motor vehicle rental tax, referred to as the visitor or venue tax. Bexar County identified community projects to fund with this tax extension that would have a positive impact on tourism; and

**WHEREAS**, the Classics Elite Soccer Academy was selected by Bexar County to receive \$1.2 million from the venue tax for the development of a soccer facility in McAllister Park; and

**WHEREAS**, on September 18, 2008, the City and Classics Elite Soccer Academy entered into a License Agreement Bexar County Venue Tax Projects for approximately 36 acres in McAllister Park for the development of a soccer facility; and

**WHEREAS**, the initial term of the license agreement was five years with up to seven five year renewal options subject to the approval of City Council; and

**WHEREAS**, the first amendment to the License Agreement was executed on November 7, 2013, to exercise the first renewal option for a five (5) year term; and

**WHEREAS**, amendment No. 2 shall commence upon Council approval and expire October 31, 2023; and

**WHEREAS**, in lieu of rent, the league shall be responsible for the operations and maintenance of the designated sports fields at McAllister Park; and

**WHEREAS**, in addition, the league will be permitted to operate concessions with proceeds benefitting their program and to offset the cost of operations and maintenance; and

**WHEREAS**, the amendment includes administrative renewals for the remaining five renewal terms and a Community Programming Responsibility provision; and

**WHEREAS**, this provision shall require the Classics Elite to offer a low cost registration, offer a free adaptive sports league and allow field reservations for leagues and general public; **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee, is hereby authorized to execute Amendment No. 2 to the License Agreement with Classics Elite Soccer Academy for operations and maintenance of the designated sports fields at McAllister Park. A copy of the License Agreement in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** No Fiscal Impact.

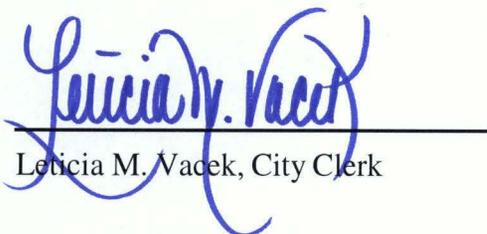
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 4.** This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED this 13<sup>th</sup> day of December, 2018.**

  
**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	46 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49A, 49B, 50A, 50B, 50C, 51A, 51B, 51C, 52, Z-1, 53, Z-2 )						
<b>Date:</b>	12/13/2018						
<b>Time:</b>	11:10:11 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving Amendment No. 2 to the License Agreement with Classics Elite Soccer Academy for operations and maintenance of the designated sports fields at McAllister Park for an additional five year period ending on October 31, 2023. [María Villagómez, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8	x					
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

SW/ah  
12/13/18  
Item No. 46

# ATTACHMENT I

**LICENSE AGREEMENT  
BEXAR COUNTY VENUE TAX PROJECTS  
CLASSICS ELITE SOCCER ACADEMY  
AMENDMENT No.2**

This Amendment No.2 (“Amendment”) to the License Agreement Bexar County Venue Tax Projects Classics Elite Soccer Academy (“Agreement”) is by and between the City of San Antonio, a Texas municipal corporation (“City”), acting by and through its City Manager or her designee, pursuant to Ordinance No. \_\_\_\_\_ passed and approved on \_\_\_\_\_, 2018, and Classics Elite Soccer Academy, a Texas non-profit organization (“Licensee”).

WHEREAS, pursuant to Ordinance No. 2008-09-18-0836, passed and approved on September 18, 2008, City and Licensee entered into a License Agreement Bexar County Venue Tax Projects for a sports complex in McAllister Park; and

WHEREAS, pursuant to Ordinance No. 2013-11-07-0764, passed and approved on November 7, 2013 the City and Licensee approved Amendment No. 1 to the Agreement to exercise the first renewal option for a term of five (5) years beginning on November 1, 2013 and expiring on October 31, 2018; and to clarify reporting requirements; and

WHEREAS, City and Licensee mutually desire to enter into a second amendment to exercise the second renewal option for a term of five (5) years beginning on November 1, 2018 and expiring October 31, 2023, to allow for administrative renewal options and to incorporate Community Programming Responsibilities; and

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth below, City and Licensee agrees as follows:

**ARTICLE 4. TERM IS MODIFIED AS FOLLOWS:**

Paragraph 4.2 is deleted in its entirety and replaced with the following:

4.2 Subject to the approval of the Director of the Parks and Recreation Department, and so long as Licensee is not then in default of any of the provisions of this Agreement or any agreements between Bexar County and Licensee, this Agreement may be extended for up to seven additional five (5) year renewal options of which two, five (5) year renewal options have been exercised therefore five renewal options remain each renewal option has a five (5) year term. The total maximum term of this Agreement shall not exceed forty (40) years.

Paragraph 4.4 is added as follows:

4.4 The second renewal option of this Agreement for a term of five (5) years beginning on November 1, 2018 and expiring on October 31, 2023, if not earlier terminated according to the terms hereof, is hereby exercised

**ARTICLE 29. COMMUNITY PROGRAMMING RESPONSIBILITIES IS ADDED AS FOLLOWS:**

29.1 Licensee shall provide discounted or no cost programming offered to the local community which shall include but not limited to:

**29.1.1 Spring & Fall Little League:** Fall and Spring leagues shall be offered to local youth for a reduced fee.

**29.1.2 Adaptive Sports:** Offer a minimum of one Adaptive League season per year, at no cost to local youth. Each league shall be a minimum of eight (8) weeks.

**29.1.3 Field Use:** League shall allow field use reservations, fees collected shall be utilized to maintain the fields and licensed areas.

Except as modified herein, all terms and conditions contained in the Agreement entered into under the authority of the above referenced ordinances shall remain in full force and effect.

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY:**  
City of San Antonio, a Texas  
Municipal Corporation

**LICENSEE:**  
Classics Elite Soccer Academy

By: \_\_\_\_\_  
Xavier D. Urrutia, Parks and Recreation Director

By: \_\_\_\_\_  
Marco Barros, President

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form: \_\_\_\_\_