

AN ORDINANCE 2014 - 03 - 06 - 0135

AUTHORIZING AN AMENDMENT TO THE FIESTA EVENT AT MARKET SQUARE LICENSE AGREEMENT WITH EL CONSEJO REAL DE REYES FEOS ANTERIORES DBA REY FEO CONSEJO EDUCATIONAL FOUNDATION IN ORDER TO REMOVE A CONFLICT BETWEEN THE FIRST DAY OF FIESTA AND GOOD FRIDAY.

* * * * *

WHEREAS, on December 9, 2010, City Council approved Ordinance 2010-12-09-1035 to award a license agreement to the Rey Feo Consejo Educational Foundation (Licensee) to conduct the ten day Fiesta event at Market Square for the years 2011-2015 with an option to extend for up to five years; and

WHEREAS, per the terms of the license agreement, the City is responsible for providing event security while the Licensee is responsible for all event planning, set-up, and clean-up; and

WHEREAS, the Licensee pays the City a minimum annual guarantee of \$135,000.00, plus fees for each beer and non-alcoholic beverage sold (\$.75 and \$.25, respectively); and

WHEREAS, the City requires this event charge no admission; and

WHEREAS, in order to avoid a conflict with Good Friday during Fiesta, the City and Licensee have agreed to eliminate April 18, 2014 from this year's event dates, thereby reducing the number of event days from ten to nine; and

WHEREAS, in consideration for reducing the number of event days, the City and Licensee have agreed that in lieu of a minimum annual guarantee this year the Licensee shall pay the City 50% of all net revenues; and

WHEREAS, the requirement that fees be paid for each beer and non-alcoholic beverage sold will remain unchanged; **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 Center City Development Office or her designee, is authorized to execute an amendment to the Fiesta Event at Market Square License Agreement with El Consejo Real de Reyes Feos Anteriores dba Rey Feo Consejo

Educational Foundation in order to remove a conflict between the first day of Fiesta and Good Friday. A copy of the first amendment to the license agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

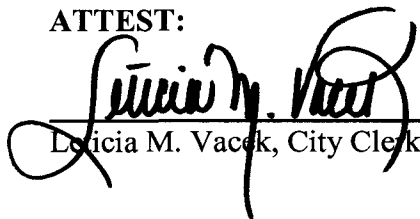
SECTION 2. Funds generated by this ordinance will be deposited into Fund 29604001, Internal Order 228000000151 and General Ledger 4407700.

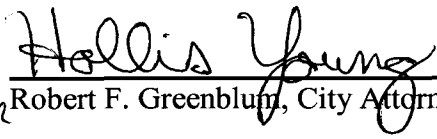
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 6th day of March, 2014.


M A Y O R
Julián Castro

ATTEST:

Leticia M. Vaccaro, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	9 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 18A, 18B, 19)
Date:	03/06/2014
Time:	10:01:17 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing an amendment to the Fiesta Event at Market Square License Agreement with El Consejo Real de Reyes Feos Anteriores dba Rey Feo Consejo Educational Foundation in order to remove a conflict between the first day of Fiesta and Good Friday. [Carlos Contreras, Assistant City Manager; Lori Houston, Director, Center City Development Office]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

**FIRST AMENDMENT TO
LICENSE AGREEMENT
FIESTA EVENT AT MARKET SQUARE**

This Amendment No. 1 to the Fiesta Event and Market Square License Agreement (“Agreement”) is made and entered into by and between the **CITY OF SAN ANTONIO**, a Texas Municipal Corporation, acting herein through its City Manager pursuant to Ordinance No. _____ passed and approved on the _____ day of _____, 201__ (hereinafter referred to as “CITY”), and El Consejo Real de Reyes Feos Anteriores, DBA Rey Feo Consejo Educational Foundation, a Texas Non-Profit Corporation, (hereinafter referred to as “LICENSEE”), acting by and through its duly authorized officers, WITNESSETH.

Recital: City and Licensee entered into the License Agreement for the Fiesta Event at Market Square (“Agreement”) pursuant to Ordinance No. 2010-12-09-1035 passed on the 9th of December, 2010. The Agreement set out specific operating hours for each year of the event. The Parties now wish to amend the agreement to remove a conflict between the 2014 Fiesta event and the 2014 Easter Holiday.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties hereby agree to amend the Agreement as follows:

1. Section 3 of the Agreement, “Hours of Operation and Street Closures” is hereby revised as follows:
 - a. Friday 4/18/2014 shall no longer be part of the Hours of Operation for the Event in 2014
 - b. Sunday 4/27/2014 for the hours of 10:00 am till 12:00 am shall be added as part of the Hours of Operation for the Event in 2014.
2. Section 5.1.1 of the Agreement is hereby amended to reflect that there shall be no Minimum Annual License Fee for the Event in 2014.
3. Section 5.1.2 of the Agreement is hereby amended to reflect that for the Event in 2014 Licensee shall pay to the City 50% of all net revenues.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

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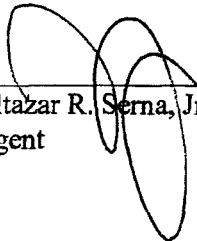
EXECUTED IN DUPLICATE ORIGINALS, each of which shall have the full force and effect of an original this the ___ day of _____, 201__.

CITY OF SAN ANTONIO

**EL CONSEJO REAL DE REYES FEOS
ANTERIORES, A Texas Non-profit
Corporation**

By: _____
Sheryl Sculley
City Manager

By: _____
Name: Baltazar R. Serna, Jr.
Title: Regent



ATTEST: _____
CITY CLERK

APPROVED AS TO FORM:

City Attorney