

AN ORDINANCE 2019-01-31-0105

**APPROVING A TEN YEAR EXTENSION WITH THE REY FEO CONSEJO EDUCATIONAL FOUNDATION TO CONDUCT THE FIESTA EVENT AT MARKET SQUARE. REVENUE FROM THIS AGREEMENT WILL BE DEPOSITED INTO THE MARKET SQUARE FUND.**

\* \* \* \* \*

**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 to conduct the ten day Fiesta event at Market Square for the years 2011-2015; and

**WHEREAS**, on March 6, 2014, City Council approved Ordinance 2014-03-06-0135, which amended the agreement to eliminate April 18, 2014 from the originally approved event schedule in order to avoid conflict with Good Friday and to extend the agreement term for five years; and

**WHEREAS**, on December 11, 2014, City Council approved Ordinance 2014-12-11-1023, which increased the City's annual license fee to \$145,000 and clarified operating hours of City-owned buildings in Market Square during Fiesta; and

**WHEREAS**, per the terms of the agreement, the City is responsible for providing event security while the Licensee is responsible for all event planning, set-up, clean-up, and payment to the City for use of Market Square; and

**WHEREAS**, the Licensee pays the City an annual license fee of \$145,000. In addition, the City will receive \$0.75 for each alcoholic beverage sold and \$0.25 for each non-alcoholic beverage sold, plus 50% of net revenue over \$270,000; and

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

**WHEREAS**, the Rey Feo Consejo Educational Foundation awards annual scholarships to San Antonio students attending college; and

**WHEREAS**, \$2,000 scholarships are provided to each student and the scholarships are renewable annually for a possible total scholarship value of \$8,000; and

**WHEREAS**, students must maintain a minimum grade point average of 3.0 in order to renew their annual \$2,000 scholarship award; and

**WHEREAS**, in the first year of its agreement with the City in 2011, the Foundation granted \$50,000 in scholarships; and

**WHEREAS**, in 2018, the Foundation granted \$100,000 in scholarships to 50 students, which included students from each San Antonio City Council district; **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 Department for Culture and Creative Development or his 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 to extend the agreement. A copy of the amendment 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 219000000151, and General Ledger 4407700.

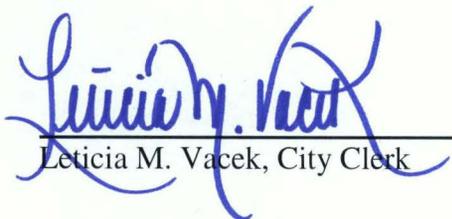
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 31<sup>st</sup> day of January, 2019.

  
**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>	<b>16 ( in consent vote: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 )</b>						
<b>Date:</b>	01/31/2019						
<b>Time:</b>	09:57:54 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving a ten year extension with the Rey Feo Consejo Educational Foundation to conduct the Fiesta event at Market Square. Revenue from this agreement will be deposited into the Market Square Fund. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]						
<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			x	
Art A. Hall	District 2		x				x
Rebecca Viagran	District 3		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  
1/31/19  
Item No. 16

# ATTACHMENT I

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

This Amendment No. 3 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 \_\_\_\_\_, 2019 (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 Parties have amended the Agreement twice. Ordinance No. 2014-03-06-0135 resolved a conflict between the timing of the event and Easter of that year. Ordinance No. 2014-12-11-1023 approved an extension of the term for an additional five years and made a few minor modifications.

**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 reflected on the attached Exhibit A.
2. Section 7.1 “Term and Termination” of the Agreement is hereby amended to reflect that the Agreement shall terminate as of August 31, 2030.
3. All other terms and conditions of the Agreement shall remain in full force and effect.

*THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK*

**EXECUTED IN DUPLICATE ORIGINALS**, each of which shall have the full force and effect of an original this the \_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF SAN ANTONIO**

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

By: \_\_\_\_\_  
Sheryl Sculley  
City Manager

By:  \_\_\_\_\_  
Name:  
Title:

ATTEST: \_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**EXHIBIT C.1**

<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Hours of Operation</b>	<b>Hours of Operation</b>	<b>Hours of Operation</b>	<b>Hours of Operation</b>	<b>Hours of Operation</b>
Fri 4/16 – Fri 4/23 10 am to 12 am	Fri 4/1 – Fri 4/8 10 am to 12 am	Fri 4/21 – Fri 4/28 10 am to 12 am	Fri 4/19 – Fri 4/26 10 am to 12 am	Fri 4/25 – Fri 5/2 10 am to 12 am
Saturday 4/17 10 am to 1 am	Saturday 4/2 10 am to 1 am	Saturday 4/22 10 am to 1 am	Saturday 4/20 10 am to 1 am	Saturday 4/26 10 am to 1 am
Saturday 4/24 10 am to 1 am	Saturday 4/9 10 am to 1 am	Saturday 4/29 10 am to 1 am	Saturday 4/27 10 am to 1 am	Saturday 5/3 10 am to 1 am
Sunday 4/25 10 am to 12 am	Sunday 4/10 10 am to 12 am	Sunday 4/30 10 am to 12 am	Sunday 4/28 10 am to 12 am	Sunday 5/4 10 am to 12 am
<b>Booth Set-Up</b>	<b>Booth Set-Up</b>	<b>Booth Set-Up</b>	<b>Booth Set-Up</b>	<b>Booth Set-Up</b>
Mon 4/12 – Wed 4/14 8 am to 5 pm	Mon 3/28 – Wed 3/30 8 am to 5 pm	Mon 4/17 – Wed 4/19 8 am to 5 pm	Mon 4/15 – Wed 4/17 8 am to 5 pm	Mon 4/21 – Wed 4/23 8 am to 5 pm
<b>Booth Load in</b>	<b>Booth Load in</b>	<b>Booth Load in</b>	<b>Booth Load in</b>	<b>Booth Load in</b>
Thursday 4/15 8 am to 5 pm	Thursday 3/31 8 am to 5 pm	Thursday 4/20 8 am to 5 pm	Thursday 4/18 8 am to 5 pm	Thursday 4/24 8 am to 5 pm
<b>Tear-Down</b>	<b>Tear-Down</b>	<b>Tear-Down</b>	<b>Tear-Down</b>	<b>Tear-Down</b>
4/25 12am - 4/26 5pm Mon 4/26 – Wed 4/28 Power washing midnight – 5 am each night	4/10 12am – 4/11 5pm Mon 4/11 – Wed 4/13 Power washing midnight – 5 am each night	4/30 12am – 5/1 5pm Mon 5/1 – Wed 5/3 Power washing midnight – 5 am each night	4/28 12am - 4/29 5pm Mon 4/29 – Wed 5/1 Power washing midnight – 5 am each night	5/4 12am – 5/5 5pm Mon 4/5 – Wed 5/7 Power washing midnight – 5 am each night
<b>NOTE: Stage nearest Sta. Rosa &amp; Commerce shall end all music and/or performances no later than 11:00 pm every night, 2021-2025.</b>				