

ORDINANCE

AUTHORIZING THE SECOND AMENDMENT TO THE MASTER ANTENNA AGREEMENT WITH TOWER FM CONSORTIUM, LLC, TO CONTINUE MANAGEMENT OF THE MASTER ANTENNA ON TOP OF THE TOWER OF THE AMERICAS, AND AUTHORIZING THE THIRD AMENDMENT TO BROADCASTER LEASES WITH IHEART + MEDIA, INC. AND ALPHA MEDIA LLC. FOR CONTINUED USE OF THE TOWER OF THE AMERICAS AS A TRANSMISSION SITE FOR KZEP, KQXT AND KJXK, RESULTING IN A TOTAL OF \$1,491,230.52 TO BE DEPOSITED WITHIN THE GENERAL FUND.

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WHEREAS, the Tower of the Americas hosts radio antennas on the roof of the top house; and

WHEREAS, a master antenna was installed in 2006 to reduce the number of broadcaster antennas physically located on the Tower's mast while improving signal strength and reducing radiation levels; and

WHEREAS, in August 2006, City Council authorized a Master Antenna Agreement with Tower FM Consortium, LLC which included members iHeart Media and Alpha Media; and

WHEREAS, City Council authorized the renewal of the agreement in May 2015; and

WHEREAS, this ordinance will authorize the second and final renewal of the Master Antenna Agreement which will expire on June 30, 2020; and

WHEREAS, with approval of this renewal, the Consortium will be able to continue management of the master antenna through June 30, 2025; and

WHEREAS, renewal of the master antenna does not include rental consideration since the City collects from the broadcasters through their individual Broadcaster Leases; and

WHEREAS, in 2006 and 2015, City Council also authorized the renewals of three Broadcaster Leases with iHeart Media and Alpha Media. iHeart Media's agreements are for transmission of KZEP and KQXT and Alpha Media's agreement is for transmission of KJXK; and

WHEREAS, this Ordinance will authorize the third and final renewal of the Broadcaster Leases which will expire on June 30, 2020; and

WHEREAS, approval of this ordinance will extend the agreements through June 30, 2025; and

WHEREAS, lease rates for the renewal period were established per a market study completed by Holt Media in March 2020; and

WHEREAS, the monthly lease rate for each lease's first year is \$8,039.77; and

WHEREAS, this rate will increase 1.5% annually thereafter; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee, or the Director of the Center City Development & Operations Department or designee is authorized to execute the second amendment to the Master Antenna Agreement with Tower FM Consortium, LLC (Consortium) to continue management of the master antenna on top of the Tower of the Americas.

SECTION 2. The City Manager or designee, or the Director of the Center City Development & Operations Department or designee is authorized to execute the third amendment to Broadcaster Leases with iHeart Media + Entertainment, Inc. (iHeart Media) and Alpha Media, LLC for continued use of the Tower of the Americas as a transmission site for KZEP, KQXT, and KJXX to extend the term of these agreements for an additional five year period commencing June 30, 2025. A copy of the amendment is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 3. Funds generated by this ordinance will be deposited in Fund 11001000, Internal Order 2190000000008 and General Ledger 4407712.

Section 2: 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 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 _____th day of _____, 2020.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina Flores, Acting City Clerk

Andrew Segovia, City Attorney

DRAFT