

AN ORDINANCE **2017-02-23-0106**

**AUTHORIZING FIRST AMENDMENT TO THE ANTENNA  
LICENSE AGREEMENT WITH CARLOS LOPEZ TO EXTEND  
THE LICENSE THROUGH FEBRUARY 28, 2022.**

\* \* \* \* \*

**WHEREAS**, Ordinance 2012-03-01-0145 authorized an antenna license agreement with Carlos Lopez to operate and maintain a radio broadcast translator and associated equipment at the Tower of the Americas; and

**WHEREAS**, the agreement, which is set to expire on February 28, 2017, includes one five-year renewal option with City Council approval; **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 and Operations Department or his designee, is authorized to execute the First Amendment to the Antenna License Agreement with Carlos Lopez to extend the license agreement through February 28, 2022. 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 11001000, Internal Order 219000000008 and General Ledger 4407712.

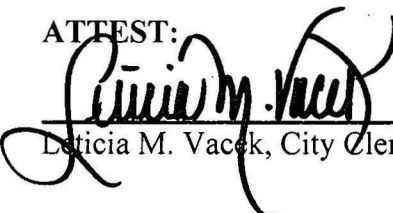
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions,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

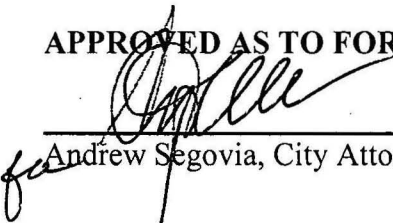
**PASSED AND APPROVED** this 23rd day of February, 2017.

  
M A Y O R  
Ivy R. Taylor

ATTEST:

  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	13						
<b>Date:</b>	02/23/2017						
<b>Time:</b>	11:24:22 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing First Amendment to Antenna License Agreement with Carlos Lopez to extend license through February 28, 2022. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development & Operations Department]						
<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>
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

# **First Amendment to Tower of the Americas Antenna License Agreement**

(Carlos Lopez)

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This First Amendment to Tower of the Americas Antenna License Agreement (Agreement) is between Carlos Lopez ("Licensee") and the City of San Antonio ("City"), pursuant to the Ordinance Authorizing the First Amendment.

## **1. Identifying Information**

<b>Licensee:</b>	Carlos Lopez
<b>Licensee's Address:</b>	514 Greenway Drive, Corpus Christie, Texas 78412
<b>License:</b>	Purpose of operating and maintaining a radio broadcast translator and associated equipment at the Tower of the Americas.
<b>Ordinance Authorizing Original License:</b>	2012-03-01-0145
<b>Ordinance Authorizing First Amendment:</b>	
<b>Beginning of Renewal Term:</b>	March 1, 2017
<b>Expiration of Renewal Term:</b>	February 28, 2022

## **2. Defined Terms**

2.1. All terms used in this instrument and not otherwise defined herein but defined in the Agreement to it have the meanings previously ascribed to them.

## **3. Renewal**

3.1. The term of the Agreement is extended from the Beginning of Renewal Term through and including the Expiration of Renewal Term.

## **4. Compensation**

4.1. The license fee for the first year of the Renewal Term is \$25,842.11, and shall increase by a rate of three percent (3.00%) annually.

4.2. The license fee may be paid in one lump sum in advance or in monthly installments in advance on the first day of each month in accordance with the following payment schedule:

4.2.1. 3/1/2017 – 2/28/2018: \$25,842.11/year or \$2,153.51/month.

- 4.2.2. 3/1/2018 – 2/28/2019: \$26,617.37/year or \$2,218.11/month.
- 4.2.3. 3/1/2019 – 2/28/2020: \$27,415.89/year or \$2,284.66/month.
- 4.2.4. 3/1/2020 – 2/28/2021: \$28,238.37/year or \$2,353.20/month.
- 4.2.5. 3/1/2021 – 2/28/2022: \$29,085.52/year or \$2,423.79/month.

**5. No Default**

- 5.1. Neither City nor Licensee is in default under the Agreement, and neither party is aware of a cause of action against the other arising out of or relating to the period before this renewal.

**6. Same Terms and Conditions**

- 6.1. This renewal instrument is a fully integrated statement of the modifications to the Agreement. Except as expressly modified by this renewal, the Agreement remains a comprehensive statement of the rights and obligations of City and Licensee. City and Licensee reaffirm the Agreement as modified by this renewal instrument and represent to each other that, except as expressly stated in this instrument, no written right or obligation of either party has been waived such that it would impair exercise of the right or enforcement of the obligation on a future occasion.

**7. Public Information**

- 7.1. Licensee acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public. Nothing in this instrument waives an otherwise applicable exception to disclosure.

*Intentionally Blank*

I.

**City**

**City of San Antonio, a Texas municipal corporation**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Attest:**

\_\_\_\_\_  
City Clerk

**Approved as to Form:**

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

**Licensee**

**Carlos Lopez**

By: \_\_\_\_\_

Printed Name and Title: Carlos Lopez

Date: 2-6-17