

AN ORDINANCE      2013 - 12 - 05 - 0851

**AUTHORIZING AN AMENDMENT TO THE ANTENNA LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BELO CORPORATION, INC. D/B/A KENS 5 TV TO EXTEND THE TERM OF THE AGREEMENT FOR AN ADDITIONAL FIVE YEAR PERIOD COMMENCING JANUARY 1, 2014.**

\*      \*      \*      \*      \*

**WHEREAS**, on December 4, 2008, City Council approved Ordinance 2008-12-04-1095, which authorized an Antenna License Agreement with KENS 5 TV for the purpose of operating and maintaining an electronic news gathering relay station and associated equipment at the Tower of the Americas; and

**WHEREAS**, the agreement was for a term of five (5) years commencing January 1, 2009 to December 31, 2013 and included an option to extend for an additional five (5) year period, subject to City Council approval; and

**WHEREAS**, on September 25, 2013 KENS 5 TV notified the City of its desire to exercise the agreement's extension option; and

**WHEREAS**, the extended term of the agreement will be from January 1, 2014 to December 31, 2018 at an initial annual license fee of \$22,960.00 and increasing by 3.00% annually thereafter; **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 Interim Director of the Downtown Operations Department or his designee is authorized to execute an amendment to the Antenna License Agreement between the City of San Antonio and the Belo Corporation, Inc. d/b/a KENS 5 TV to extend the term of the agreement for an additional five year period commencing January 1, 2014. A copy of the amendment 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.

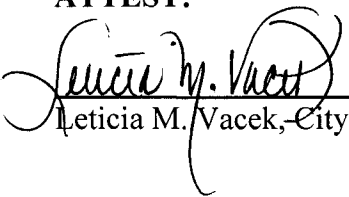
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions,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

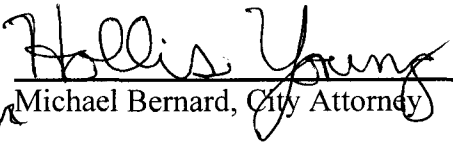
PASSED AND APPROVED this 5th day of December, 2013.

  
M A Y O R  
for Julián Castro

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Michael Bernard, City Attorney

<b>Agenda Item:</b>	21 ( in consent vote: 7, 8, 9, 10, 11, 12A, 12B, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42, 43A, 43B, 43C, 43D )
<b>Date:</b>	12/05/2013
<b>Time:</b>	10:02:38 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance authorizing an amendment to the Antenna License Agreement between the City of San Antonio and Belo Corporation, Inc. d/b/a KENS 5 TV to extend the term of the agreement for an additional five year period commencing January 1, 2014. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations]
<b>Result:</b>	Passed

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

**TOWER OF THE AMERICAS  
ANTENNA LICENSE AGREEMENT  
AMENDMENT NO. 1**

This Amendment No. 1 to the Tower of the Americas Antenna License Agreement ("Amendment") is hereby made and entered into by and between the CITY OF SAN ANTONIO ("City"), a Texas municipal corporation, acting by and through its City Manager pursuant to Ordinance No. \_\_\_\_\_ dated \_\_\_\_\_, and Belo Corporation, Inc. d/b/a KENS 5 TV ("Licensee").

**Recital:** City and Licensee entered into a Antenna License Agreement ("License" or "Agreement" or "License Agreement") pursuant to Ordinance No. 2008-12-04-1095, passed and approved on December 4, 2008. Pursuant to 4.2.1 of the Agreement, Licensee has submitted a written request that the Agreement be extended for 5 years past the initial termination date of December 31, 2013. The City is agreeable to this request and the parties hereby agree to amend the Agreement as follows:

1. The term of the Agreement is hereby extended to December 31, 2018. The period from January 1, 2014 to December 31, 2018 shall be referred to as the Extended Term.

2. Rental rates during the Extended Term shall be as follows:

License Year	Annual License Fee
January 1, 2014 – December 31, 2014	\$22,960.00
January 1, 2015 – December 31, 2015	\$23,649.00
January 1, 2016 – December 31, 2016	\$24,358.00
January 1, 2017 – December 31, 2017	\$25,089.00
January 1, 2018 – December 31, 2018	\$25,842.00

3. All other terms and conditions of the Agreement shall remain in full force and effect.

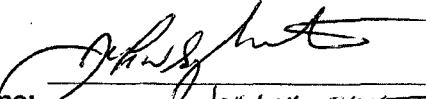
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**EXECUTED IN DUPLICATE ORIGINALS**, each of which shall have the full force and effect of an original this the \_\_\_\_ day of \_\_\_\_\_, 2013.

**LICENSOR:  
CITY OF SAN ANTONIO**

**LICENSEE:  
Belo Corporation, Inc.  
d/b/a KENS 5 TV**

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

By:   
Name: JOHN W. SYLVESTER  
Title: CONTROLLER

**ATTEST:**  
\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**  
\_\_\_\_\_  
City Attorney

10/25/13