

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

APPROVING A FIRST 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 APPROVING SECOND AMENDMENTS TO THE BROADCASTER LEASES WITH IHEART MEDIA + ENTERTAINMENT, INC. AND ALPHA MEDIA FOR CONTINUED USE OF THE TOWER OF THE AMERICAS AS A TRANSMISSION SITE FOR KZEP, KQXT, AND KJXK.

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WHEREAS, Ordinance 2006-08-31-0976 passed on August 31, 2006 authorized an agreement with the Consortium for installation and management of a master antenna on top of the Tower of the Americas; and

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

WHEREAS, the agreement, which expires on June 30, 2015, provides for two five-year renewal periods subject to City Council approval; and

WHEREAS, the members of the Consortium are iHeart Media and Alpha Media; and

WHEREAS, Ordinance 2006-08-64-0974 passed on August 31, 2006 authorized first amendments to the Broadcaster Leases with iHeart Media and Alpha Media; and

WHEREAS, the amendments authorized the first of three renewal terms and updated certain agreement provisions resulting from Willie G's Post Oak, Inc. d/b/a Landry's becoming the operator of the Tower of the Americas; and

WHEREAS, 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 authorizes a first amendment to the Master Antenna Agreement for the Consortium's continued management of the master antenna through June 30, 2020; and

WHEREAS, the amendment does not include rental consideration since the City collects revenue from the broadcasters through their individual Broadcaster Leases; and

WHEREAS, this ordinance also authorizes second amendments to the Broadcaster Leases with iHeart Media and Alpha Media for continued use of the Tower of the Americas as a transmission site for KZEP, KQXT, and KJXX through June 30, 2020; and

WHEREAS, lease rates for the renewal period were established per a market study completed by RCC Consultants in February 2015; and

WHEREAS, the monthly lease rate for each lease's first year is \$7,176.00; and

WHEREAS, this rate will increase 2.5% 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 Director of the Center City Development and Operations Department or her designee, is authorized to execute a first 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 execute second amendments to the Broadcaster Leases with iHeart Media + Entertainment, Inc. and Alpha Media for continued use of the Tower of the Americas as a transmission site for KZEP, KQXT, and KJXX. A copy of the amendments, in substantially final form, are attached hereto and incorporated herein for all purposes as **Attachment I, II, III and IV.**

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 ____ day of _____.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney