

AN ORDINANCE 2013-10-17-0721

AUTHORIZING THE RENEWAL AGREEMENT AND THIRD AMENDMENT TO THE LICENSE AGREEMENT WITH LS TALONS SA, LLC, OWNER OF THE SAN ANTONIO TALONS ARENA FOOTBALL LEAGUE TEAM, TO HOST ITS 2014 SEASON HOME FOOTBALL GAMES AT THE ALAMODOME.

* * * *

WHEREAS, the City and Gameplan Wealth Acquisition Partners, L.L.C. entered into a License Agreement (“Agreement”) for the San Antonio Talons (“Talons”) to play their home games in the Alamodome, which was approved by City Council pursuant to Ordinance No. 2011-10-06-0829 dated October 6, 2011 and later amended and assigned to LS Talons SA, LLC; and

WHEREAS, this proposed Renewal Agreement and Third Amendment to the Alamodome License Agreement for Arena Football League Games (“Third Amendment”) exercises the available renewal term and extends the Agreement through August 31, 2014, modifies the facility license fee, changes the seating configuration and makes other necessary updates; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of the Renewal Agreement and Third Amendment to the License Agreement with LS Talons SA, LLC are approved and the City Manager or her designee is authorized to execute the Agreement. A copy of the Third Amendment, previously executed by LS Talons SA, LLC, is attached to this Ordinance as Exhibit I.

SECTION 2. Funds generated by this Ordinance will be deposited into Fund 29016000, Internal Order 245000000030 and General Ledger 4407231.

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 shall take effect immediately upon the receipt of eight affirmative votes; otherwise it shall be effective ten days after its passage.

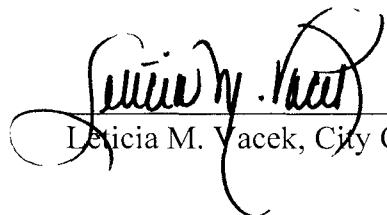
LB
10/17/13
Item No. 14

PASSED AND APPROVED this 17th day of October, 2013.



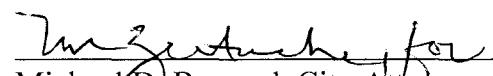
M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael D. Bernard, City Attorney

Agenda Item:	14 (in consent vote: 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20)						
Date:	10/17/2013						
Time:	10:01:01 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the Renewal Agreement and Third Amendment to the License Agreement with LS Talons SA LLC, owner of the San Antonio Talons Arena Football League team, to host its 2014 season home football games at the Alamodome. [Ed Belmares, Assistant City Manager; Michael J. Sawaya, Director, Convention and Sports Facilities]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		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			x	
Ron Nirenberg	District 8		x				x
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

Exhibit I

**RENEWAL AGREEMENT THIRD AMENDMENT TO
ALAMODOME LICENSE AGREEMENT
FOR ARENA FOOTBALL LEAGUE GAMES**

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, this Renewal Agreement and Third Amendment to the Alamodome License Agreement for Arena Football League Games ("Third Amendment") is entered into by the City of San Antonio, a Texas Municipal corporation ("City"), acting by and through its Assistant City Manager pursuant to and duly authorized by Ordinance No. 2013-____, passed and approved on _____, 2013, and LS Talons SA, L.L.C. ("Licensee") acting by and through its duly authorized designated officer.

A. City and Gameplan Wealth Acquisition Partners L.L.P. ("Gameplan") entered into the Alamodome License Agreement for Arena Football League Games ("Agreement") pursuant to City of San Antonio Ordinance No. 2011-10-06-0829, dated October 6, 2011.

B. The Agreement was amended to make modifications and assign all rights and duties of Gameplan to Licensee pursuant to City of San Antonio Ordinance No. 2012-04-12-0269, dated April 12, 2012 and was again amended in November 2012 to provide Licensee with the use of certain ticketing equipment.

C. Tulsa Pro Arena Football L.L.C. assigned its interest in the Agreement to Licensee and the assignment is approved by City, as required under Section 22.21 of the Agreement.

D. City and Licensee agree to exercise the one-year available renewal term and extend the Agreement through August 31, 2014.

E. City and Licensee agree to amend specific provisions of the Agreement as set out in this Third Amendment.

1. All references to Licensee in the Agreement shall reference LS Talons SA, L.L.C.

2. Subsection 4.1(a) shall be amended by deleting the first sentence and replacing it with the following:

"In consideration for the license to use the Alamodome as provided in this Agreement, LICENSEE shall pay CITY a Building License Payment in the amount of \$15,500.00, plus \$1 per ticket sold in excess of 10,000 tickets per game for the use of the Plaza and Club Level in the North Arena configuration."

3. Subsection 2.2 shall be amended by deleting the first sentence and replacing it with the following:

"The following areas will be used for the purpose of the AFL Games: all field level areas, Plaza level seating, Club level seating and upon LICENSEE'S request Upper level seating can be made available, dasher boards, home and visitor locker rooms, dressing rooms, and meeting rooms. The seating configuration is depicted in Exhibit I, which is attached to this Third Amendment and incorporated into the Agreement for all purposes."

4. Section 22.7 shall be deleted in its entirety and replaced with the following:



"Non-Discrimination. As a party to this Agreement, Licensee understands and agrees to comply with the *Non-Discrimination Policy* of the City of San Antonio contained in Chapter 2, Article X of the City Code and further, shall not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, veteran status, age or disability, unless exempted by state or federal law, or as otherwise established herein."

Except as otherwise expressly modified hereby, all terms and provisions of the Agreement are ratified and confirmed and shall remain in full force and effect, enforceable in accordance with their terms.

EXECUTED AND SIGNED this _____ day of October, 2013.

CITY OF SAN ANTONIO

Edward Belmares
Assistant City Manager

APPROVED AS TO FORM:

City Attorney

LS Talons SA, L.L.C.,
a Texas limited liability company, its Manager

A. David Lynd
CEO

[Handwritten signature]

Exhibit
I

A handwritten signature in black ink, appearing to read "MB".

CLUB LEVEL

PLAZA LEVEL

