

AN ORDINANCE 2019-01-31-0105

APPROVING A TEN YEAR EXTENSION WITH THE REY FEO CONSEJO EDUCATIONAL FOUNDATION TO CONDUCT THE FIESTA EVENT AT MARKET SQUARE. REVENUE FROM THIS AGREEMENT WILL BE DEPOSITED INTO THE MARKET SQUARE FUND.

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WHEREAS, on December 9, 2010, City Council approved Ordinance 2010-12-09-1035 to award a license agreement to the Rey Feo Consejo Educational Foundation to conduct the ten day Fiesta event at Market Square for the years 2011-2015; and

WHEREAS, on March 6, 2014, City Council approved Ordinance 2014-03-06-0135, which amended the agreement to eliminate April 18, 2014 from the originally approved event schedule in order to avoid conflict with Good Friday and to extend the agreement term for five years; and

WHEREAS, on December 11, 2014, City Council approved Ordinance 2014-12-11-1023, which increased the City's annual license fee to \$145,000 and clarified operating hours of City-owned buildings in Market Square during Fiesta; and

WHEREAS, per the terms of the agreement, the City is responsible for providing event security while the Licensee is responsible for all event planning, set-up, clean-up, and payment to the City for use of Market Square; and

WHEREAS, the Licensee pays the City an annual license fee of \$145,000. In addition, the City will receive \$0.75 for each alcoholic beverage sold and \$0.25 for each non-alcoholic beverage sold, plus 50% of net revenue over \$270,000; and

WHEREAS, the City requires this event charge no admission; and

WHEREAS, the Rey Feo Consejo Educational Foundation awards annual scholarships to San Antonio students attending college; and

WHEREAS, \$2,000 scholarships are provided to each student and the scholarships are renewable annually for a possible total scholarship value of \$8,000; and

WHEREAS, students must maintain a minimum grade point average of 3.0 in order to renew their annual \$2,000 scholarship award; and

WHEREAS, in the first year of its agreement with the City in 2011, the Foundation granted \$50,000 in scholarships; and

WHEREAS, in 2018, the Foundation granted \$100,000 in scholarships to 50 students, which included students from each San Antonio City Council district; **NOW THEREFORE:**

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

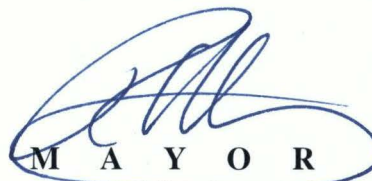
SECTION 1. The City Manager or her designee, or the Director of the Department for Culture and Creative Development or his designee, is authorized to execute an amendment to the Fiesta Event at Market Square License Agreement with El Consejo Real de Reyes Feos Anteriores dba Rey Feo Consejo Educational Foundation to extend the agreement. 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 29604001, Internal Order 219000000151, and General Ledger 4407700.

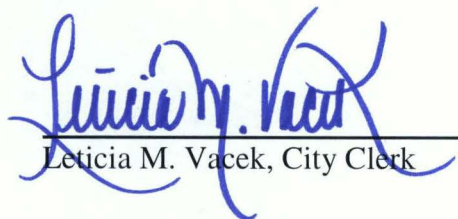
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 31st day of January, 2019.


M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	16 (in consent vote: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21)						
Date:	01/31/2019						
Time:	09:57:54 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance approving a ten year extension with the Rey Feo Consejo Educational Foundation to conduct the Fiesta event at Market Square. Revenue from this agreement will be deposited into the Market Square Fund. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Art A. Hall	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

ATTACHMENT I

**THIRD AMENDMENT TO
LICENSE AGREEMENT
FIESTA EVENT AT MARKET SQUARE**

This Amendment No. 3 to the Fiesta Event and Market Square License Agreement ("Agreement") is made and entered into by and between the **CITY OF SAN ANTONIO**, a Texas Municipal Corporation, acting herein through its City Manager pursuant to Ordinance No. _____ passed and approved on the _____ day of _____, 2019 (hereinafter referred to as "CITY"), and El Consejo Real de Reyes Feos Anteriores, DBA Rey Feo Consejo Educational Foundation, a Texas Non-Profit Corporation, (hereinafter referred to as "LICENSEE"), acting by and through its duly authorized officers, WITNESSETH.

Recital: City and Licensee entered into the License Agreement for the Fiesta Event at Market Square ("Agreement") pursuant to Ordinance No. 2010-12-09-1035 passed on the 9th of December, 2010. The Parties have amended the Agreement twice. Ordinance No. 2014-03-06-0135 resolved a conflict between the timing of the event and Easter of that year. Ordinance No. 2014-12-11-1023 approved an extension of the term for an additional five years and made a few minor modifications.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, the Parties hereby agree to amend the Agreement as follows:

1. Section 3 of the Agreement, "Hours of Operation and Street Closures" is hereby revised as reflected on the attached Exhibit A.
2. Section 7.1 "Term and Termination" of the Agreement is hereby amended to reflect that the Agreement shall terminate as of August 31, 2030.
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 _____, 2019.

CITY OF SAN ANTONIO

**EL CONSEJO REAL DE REYES FEOS
ANTERIORES, A Texas Non-profit
Corporation**

By: _____
Sheryl Sculley
City Manager

By:  _____
Name:
Title:

ATTEST: _____
CITY CLERK

APPROVED AS TO FORM:

City Attorney

EXHIBIT C.1

2021	2022	2023	2024	2025
Hours of Operation	Hours of Operation	Hours of Operation	Hours of Operation	Hours of Operation
Fri 4/16 – Fri 4/23 10 am to 12 am	Fri 4/1 – Fri 4/8 10 am to 12 am	Fri 4/21 – Fri 4/28 10 am to 12 am	Fri 4/19 – Fri 4/26 10 am to 12 am	Fri 4/25 – Fri 5/2 10 am to 12 am
Saturday 4/17 10 am to 1 am	Saturday 4/2 10 am to 1 am	Saturday 4/22 10 am to 1 am	Saturday 4/20 10 am to 1 am	Saturday 4/26 10 am to 1 am
Saturday 4/24 10 am to 1 am	Saturday 4/9 10 am to 1 am	Saturday 4/29 10 am to 1 am	Saturday 4/27 10 am to 1 am	Saturday 5/3 10 am to 1 am
Sunday 4/25 10 am to 12 am	Sunday 4/10 10 am to 12 am	Sunday 4/30 10 am to 12 am	Sunday 4/28 10 am to 12 am	Sunday 5/4 10 am to 12 am
Booth Set-Up	Booth Set-Up	Booth Set-Up	Booth Set-Up	Booth Set-Up
Mon 4/12 – Wed 4/14 8 am to 5 pm	Mon 3/28 – Wed 3/30 8 am to 5 pm	Mon 4/17 – Wed 4/19 8 am to 5 pm	Mon 4/15 – Wed 4/17 8 am to 5 pm	Mon 4/21 – Wed 4/23 8 am to 5 pm
Booth Load in	Booth Load in	Booth Load in	Booth Load in	Booth Load in
Thursday 4/15 8 am to 5 pm	Thursday 3/31 8 am to 5 pm	Thursday 4/20 8 am to 5 pm	Thursday 4/18 8 am to 5 pm	Thursday 4/24 8 am to 5 pm
Tear-Down	Tear-Down	Tear-Down	Tear-Down	Tear-Down
4/25 12am - 4/26 5pm	4/10 12am – 4/11 5pm	4/30 12am – 5/1 5pm	4/28 12am - 4/29 5pm	5/4 12am – 5/5 5pm
Mon 4/26 – Wed 4/28 Power washing midnight – 5 am each night	Mon 4/11 – Wed 4/13 Power washing midnight – 5 am each night	Mon 5/1 – Wed 5/3 Power washing midnight – 5 am each night	Mon 4/29 – Wed 5/1 Power washing midnight – 5 am each night	Mon 4/5 – Wed 5/7 Power washing midnight – 5 am each night
NOTE: Stage nearest Sta. Rosa & Commerce shall end all music and/or performances no later than 11:00 pm every night, 2021-2025.				