

**RFCA Agenda – February 9, 2023**

23-189314

City Council A Session

**Posting Language**

Ordinance authorizing the second amendment of the Tower of the Americas antenna license agreement, held by Mary Helen Lopez, to allow for an additional 5-year extension [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]

**TV Display Caption (55)**

Tower of the Americas Antenna License Extension

**DEPARTMENT:** Center City Development & Operations

**DEPARTMENT HEAD:** John Jacks

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

Consideration of an Ordinance approving an additional 5-year lease extension of the Tower of the Americas antenna license lease agreement with Mary Helen Lopez from March 1, 2023 thru February 29, 2028.

**SUMMARY:**

Consideration of an Ordinance authorizing the second amendment of the Tower of the Americas Antenna License Agreement, held by Mary Helen Lopez, to allow for an additional 5-year lease extension from March 1, 2023 through February 29, 2028. The amendment also establishes the annual license rate for the extension period.

**BACKGROUND INFORMATION:**

Ordinance 2013-02-21-0139 authorized an antenna license agreement with Mary Helen Lopez to operate and maintain a radio broadcast translator (antenna) and associated equipment at the Tower of the Americas.

Mary Helen Lopez is an individually licensed FCC radio broadcaster residing in Corpus Christi, TX and has been a licensee in good standing since 2013. Ms. Lopez applied for and received license as Individual FCC Broadcaster and was given frequency 93.3 FM for her antenna

Said antenna is currently subleased to and operated by iHeart Media (previously known as Clear Channel Media) as a country music station called “93.3 FM, The Bull.”

On March 1, 2018, City Council approved a license amendment to extend the term from March 1, 2018 to February 28, 2023 and update the rental rate to \$2,441.99 per month with an increase 3% annually.

This ordinance authorizes a second amendment to extend the license term from March 1, 2023 to February 29, 2028 and update the monthly rental rate to \$2,830.94 for Year 1 and to increase 3% annually.

**ISSUE:**

This ordinance will authorize amending the license agreement to renew through February 29, 2028. The amendment also establishes the annual license rate for the renewal period.

**ALTERNATIVES:**

City Council may elect to not amend and extend the agreement, which would result in the licensee's occupancy becoming at will and/or terminating and loss of revenue to the City.

**FISCAL IMPACT:**

The amendment would require the licensee to pay a fee of \$33,971.34 for Year 1 of the extension period, with an annual increase of 3.00% thereafter. The total revenue generated in the 5-year period would amount to \$180,358.44. All revenue generated will be deposited into the General Fund.

Year	Term	Annual Amount	Monthly Amount
1	3/1/2023 - 2/29/2024	\$33,971.34	\$2,830.94
2	3/1/2024 - 2/28/2025	\$34,990.48	\$2,915.87
3	3/1/2025 - 2/28/2026	\$36,040.19	\$3,003.35
4	3/1/2026 - 2/28/2027	\$37,121.40	\$3,093.45
5	3/1/2027 - 2/29/2028	\$38,235.04	\$3,186.25

**RECOMMENDATION:**

Staff recommends approval of the amendment authorizing an extension to the License Agreement between the City of San Antonio and Mary Helen Lopez through February 29, 2028.

**ATTACHMENTS**

- Signed – Second Amended License Agreement – Mary Helen Lopez