

ORDINANCE 2023-01-26-0024

APPROVING A SECOND AMENDMENT TO THE LICENSE AGREEMENT WITH NIGHT IN OLD SAN ANTONIO (NIOA) THAT WILL PROVIDE FOR A THREE-YEAR EXTENSION.

* * * * *

WHEREAS, since 1948, the San Antonio Conservation Society has conducted a Night in Old San Antonio (NIOA) in La Villita; and

WHEREAS, the four-night event is held in La Villita each year in conjunction with Fiesta activities; and

WHEREAS, NIOA attracts approximately 85,000 guests and over 16,000 volunteers; and

WHEREAS, City Council approved the original license agreement with NIOA on April 17, 2021 for a term of ten years; and

WHEREAS, due to the COVID-19 pandemic, Fiesta 2020 and NIOA 2020 were canceled and Fiesta 2021 and NIOA 2021 were delayed from April to June; and

WHEREAS, the original Agreement term expires in 2022; and

WHEREAS, this amendment will provide for a three-year license extension and increase the minimum annual guarantee to \$187,674.00 and the percentage of each adult paid admission net to 24%, to be paid to the La Villita Historic Preservation Fund; **NOW THEREFORE:**


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

SECTION 1. The City Manager or designee, or the Director of the Center City Development and Operations Department or designee is authorized to execute a second amendment to the lease agreement with NIOA that will provide a three-year extension. A copy of the Lease is attached to this Ordinance as **Exhibit I**.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer 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 3. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 26th day of January, 2023.


M A Y O R
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting January 26, 2023

14.

2023-01-26-0024

Ordinance amending the License Agreement between the City of San Antonio and the San Antonio Conservation Society to continue using La Villita space for NIOSA for an additional term of three years, commencing in 2023 and expiring 2025. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development and Operations Department].

Councilmember Courage moved to Approve on the Consent Agenda. Councilmember Rocha Garcia seconded the motion. The motion carried by the following vote:

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Perry

EXHIBIT 1

SECOND AMENDMENT

to the

LICENSE AGREEMENT A NIGHT IN OLD SAN ANTONIO (NIOA)

This Amendment to the License Agreement A Night in Old San Antonio (NIOA) ("Amendment") is entered into by and between the CITY OF SAN ANTONIO ("CITY"), acting by and through its City Manager pursuant to Ordinance No. 2022-_____, and the SAN ANTONIO CONSERVATION SOCIETY.

WHEREAS, the CITY and SAN ANTONIO CONSERVATION SOCIETY entered into the License Agreement A Night in Old San Antonio (NIOA) ("Agreement") as authorized by Ordinance No. 2012-04-19-0295, passed and approved by the San Antonio City Council on April 17, 2012; and

WHEREAS, due to the COVID-19 pandemic Fiesta 2020 and A Night in Old San Antonio (NIOA) 2020 were canceled; and

WHEREAS, Fiesta 2021 and A Night in Old San Antonio (NIOA) 2021 are delayed from April to June; and

WHEREAS, the CITY and SAN ANTONIO CONSERVATION SOCIETY for A Night in Old San Antonio 2021 agreed to amend the License Agreement for year 2021; and

WHEREAS, the CITY and SAN ANTONIO CONSERVATION SOCIETY entered into the First Amendment to the License Agreement A Night in Old San Antonio (NIOA) ("Agreement") as authorized by Ordinance No. 2021-06-03-0398, passed and approved by the San Antonio City Council on June 3, 2021 to delay NIOA till June and no other terms were amended; and

WHEREAS, the Agreement original term expires in 2022; and

WHEREAS, the City And San Antonio Conservation Society wish to extend the term of the Agreement for an additional three (3) years; and

WHEREAS, said Second Amendment to License Agreement is for Year 2023, 2024, and 2025; and

WHEREAS, the CITY and SAN ANTONIO CONSERVATION SOCIETY for A Night in Old

San Antonio 2023, 2024, and 2025 agreed to amend the License Agreement for years 2023, 2024, and 2025; and

WHEREAS, a copy of the Agreement is attached hereto as Exhibit "A" and incorporated into this Amendment for all purposes; and

WHEREAS, said amendment requires the prior approval of CITY; and

WHEREAS, amending the LICENSE is in CITY's and SAN ANTONIO CONSERVATION SOCIETY's best interest.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained below, CITY and SAN ANTONIO CONSERVATION SOCIETY agree to amend the Agreement for year 2023 as follows:

1. Section 2.1 is amended as follows:

- 2.1 For years 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025:

2. Section 2.7 is amended as follows:

2.7.1.1 Days of Setup

April 18, 2023 through April 24, 2023 8:00 a.m. to 11:00 p.m.
April 16, 2024 through April 22, 2024 8:00 a.m. to 11:00 p.m.
April 22, 2025 through April 28, 2025 8:00 a.m. to 11:00 p.m.

2.7.1.2 Days of Operations

April 25, 2023 through April 28, 2023 8:00 a.m. to 12:00 midnight
April 23, 2024 through April 26, 2024 8:00 a.m. to 12:00 midnight
April 29, 2025 through May 2, 2025 8:00 a.m. to 12:00 midnight

2.7.1.3 Days of Removal (Teardown):

April 29, 2023 through May 3, 2023 8:00 a.m. to 9:00 p.m.
April 27, 2024 through May 1, 2024 8:00 a.m. to 9:00 p.m.
May 3, 2025 through May 7, 2025 8:00 a.m. to 9:00 p.m.

3. Section 3 is amended as follows:

3.1.1 For years 2023-2025 to pay the La Villita Historic Preservation Fund the greater of: (i) a minimum annual guarantee; or, (ii) twenty-four percent (24%) of each adult paid admission net of (a) ticket service fees, (b) any and all state or local taxes or assessments as applicable, and (c) extra costs incurred by the construction projects such as rent paid for substitute space in HemisFair Park and extra fencing costs.

3.1.2 For years 2023-2025 the minimum annual guarantee will be \$187,674.00.

The final paragraph of 3.1.2 of the Agreement is not amended and remains in effect.

3.1.3 If activity, including but not limited to construction or a change in schedule, results in a negative impact to the footprint or capacity of NIOSA, CITY, acting through Director of the Center City Development and Operations Department or designee, reserves the right to adjust the minimum annual guarantee with reasonable notice to LICENSEE.

Except as amended hereby, all other provisions of the Agreement are hereby retained in their entirety and remain unchanged.

ACCEPTED and AGREED TO in all things this _____ day of _____, 2022.

CITY OF SAN ANTONIO

SAN ANTONIO CONSERVATION SOCIETY

BY: _____
City Manager

BY: Kathy Rhoads
Name: Kathy Rhoads
Title: President

ATTEST:

APPROVED AS TO FORM:

Assistant City Attorney