

AN ORDINANCE

98567

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE TOWER OF THE AMERICAS CONCESSION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND TOWER FOODS, INC. IN COUNCIL DISTRICT 1, AS REQUESTED BY THE CITY OF SAN ANTONIO TO EXTEND THE CONTRACT TERM TO AUGUST 31, 2004 AND TO INCREASE PERCENTAGE OF REVENUE PAID TO THE CITY DURING THE EXTENDED TERM.

\* \* \* \* \*

**WHEREAS**, the City of San Antonio approved a Tower of the Americas concession agreement with Tower Foods, Inc. through Ordinance 62850, passed and approved on May 8, 1986, which is due to expire on December 31, 2003; and

**WHEREAS**, the City of San Antonio has implemented a Request for Proposals to solicit proposals to operate the restaurant and observation deck, which will be selected in February 2004; and

**WHEREAS**, several months may be needed to allow a transition period for the concessionaire and to perform required capital improvements to the facility; and

**WHEREAS**, in order to maintain a restaurant presence in the Tower, the City requested to implement an extension to the agreement with Tower Foods, Inc. to continue operation at least until August 31, 2004; and

**WHEREAS**, in consideration for the extended contract term, Tower Foods, Inc. will pay the City an additional 2% of revenue during the contract term; **NOW THEREFORE:**

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

**Section 1.** The City Manager or her designated representative is hereby authorized to execute Amendment One to the Tower of the Americas Concession Agreement.

**Section 2.** The proceeds of this agreement shall be deposited into Fund 11-000 entitled "General Fund," Index Code 014852 entitled, "Tower Restaurant: Food & Beverage".

**Section 3.** This ordinance shall be effective on and after the tenth (10<sup>th</sup>) day after passage hereof.

PASSED AND APPROVED this 4<sup>th</sup> day of December 2003.

M A Y O R  
EDWARD D. GANZA

ATTEST: Mary Lou Rodriguez  
per City Clerk

APPROVED AS TO FORM: [Signature]  
City Attorney