

AN ORDINANCE | 99912

AUTHORIZING AN AMENDMENT TO THE HENRY B. GONZALEZ FOOD AND BEVERAGE SERVICE AGREEMENT WITH RK GROUP JOINT VENTURE TO DECREASE THE NUMBER OF DAYS REQUIRED TO PROVIDE NOTICE TO THE CONTRACTOR OF THE CITY'S OPTION TO EXTEND THE AGREEMENT FROM NO LATER THAN 90 DAYS TO NO LATER THAN 60 DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OF THE CONTRACT OR DECEMBER 2, 2004.

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WHEREAS, Ordinance No. 99475, passed and approved on July 22, 2004 authorized the amendment of the Food and Beverage Service Agreement (the "Agreement") between the City and the RK Group Joint Venture (the "Contractor") to decrease the number of days required to notify Contractor of City's intention to exercise its five-year Option Term from 180 days to 90 days therefore requiring City to notify Contractor no later than November 1, 2004; and

WHEREAS, the City and Contractor are negotiating terms and conditions for the Option Term of the Agreement and require an additional thirty (30) days to determine if the exercise of the City's Option Term is in the City's best interest; and

WHEREAS, City and Contractor have agreed to further amend the Agreement to decrease the number of days required to notify Contractor of City's intent to exercise its five-year Option Term from no later than 90 days to no later than 60 days prior to the expiration of the Initial Term of the Agreement, therefore requiring City to notify Contractor no later than December 2, 2004; **NOW THEREFORE:**

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

SECTION 1. An amendment to the Henry B. Gonzalez Convention Center Food and Beverage Agreement to decrease the number of days required to notify the Contractor of the City's intention to exercise its option to extend the Agreement from no later than 90 days prior to the expiration of the Initial Term of the Agreement to no later than 60 days prior to the expiration of the Initial Term of the Agreement is hereby authorized. A copy of the Amendment in substantially its final form is attached hereto and made a part of this Ordinance as Exhibit A. A copy of the fully executed Amendment will be attached to this Ordinance and will replace Exhibit A.

SECTION 2. The Interim City Manager or his designee is hereby authorized for a period of 45 days to execute any and all documents necessary to fulfill the purpose and intent of this Ordinance.

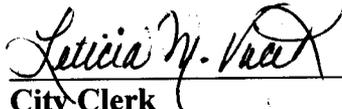
SECTION 3. This Ordinance shall become effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 21st day of October 2004.



M A Y O R
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney