

AN ORDINANCE **101378**

AUTHORIZING THE SECOND RENEWAL OF THE NOVELTY AND SOUVENIR CONCESSION CONTRACT (THE "CONTRACT") FOR THE MUNICIPAL AUDITORIUM WITH RIVER CITY MERCHANDISING (the "CONCESSIONAIRE") FOR A TERM OF TWO (2) YEARS; AND AUTHORIZING AN AMENDMENT TO THE CONTRACT EXCLUDING CREDIT CARD USAGE FEES FROM THE CALCULATION OF "GROSS SALES."

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WHEREAS, the City Council authorized a two (2)-year contract with River City Merchandising (the "Concessionaire") pursuant to Ordinance No. 94611, passed and approved on September 27, 2001 to provide novelty and souvenir concession services at the Municipal Auditorium; and

WHEREAS, the Contract provided for two (2) additional two (2)-year renewal options, subject to City Council approval; and

WHEREAS, the City Council authorized the first renewal and first amendment of the Contract pursuant to Ordinance No. 98169, passed and approved on September 18, 2003; and

WHEREAS, the Concessionaire is now seeking to exercise the second renewal of the Contract and is also seeking to amend the Contract by excluding credit card usage fees from the calculation of "Gross Sales" under the agreement; and

WHEREAS, excluding credit card usage fees is a common practice in the industry and Concessionaire is not in default of the terms of the Contract; and

WHEREAS, exercising a second renewal of the Contract results in a projected commission of \$29,000.00 over the term of the renewal; **NOW THEREFORE:**

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

SECTION 1. A Second Renewal and Second Amendment of the Novelty and Souvenir Concession Contract for the Municipal Auditorium with River City Merchandising is hereby approved. A copy of the Renewal and Amendment in substantially its final form is hereby attached to this Ordinance as Attachment A.

SECTION 2. The City Manager or a designee is hereby authorized for 60 days following the effective date of this ordinance to execute the Second Renewal and Second Amendment of the Novelty and Souvenir Concession Contract for the Municipal Auditorium with River City Merchandising for a term of two (2) years beginning October 1, 2005. The final Second Renewal and Amendment shall be filed with this ordinance upon execution.

RR
09/15/05
Item #10

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

PASSED AND APPROVED this 15th day of SEPTEMBER 2005.



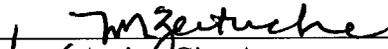
M A Y O R

PHIL HARBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM: _____


for Acting City Attorney