

AN ORDINANCE 2006 - 01 - 12 - 54

**AUTHORIZING THE FIRST AMENDMENT TO THE
AMENDED AND RESTATED HENRY B. GONZALEZ
CONVENTION CENTER FOOD AND BEVERAGE
SERVICE AND CONCESSION SERVICES AGREEMENT
WITH RK GROUP L.L.C.**

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WHEREAS, Ordinance No. 99968, passed and approved on November 4, 2004, authorized the execution of the Amended and Restated Henry B. Gonzalez Food and Beverage Service and Concession Services Agreement (the "Agreement") with the RK Group L.L.C. (the "Contractor"); and

WHEREAS, following a year of performance under the Agreement City staff and the Contractor have identified areas that should be clarified or amended to further assist in the accurate reporting of the Contractor's activities; and

WHEREAS, those clarifications and amendments include the exclusion of mixed beverage tax in the calculation of gross receipts, the deletion of a Cash Outlet Manager, the expansion of the space allocated to the Contractor to perform concession operations, and an allowance period to replace members of the RK Group L.L.C. without effecting the SBEDA utilization levels required in the Agreement; and

WHEREAS, it is expected that such clarifications and amendments will provide more accurate data from the Contractor to allow City staff to better analyze and rate the Contractor's performance under the Agreement and ensure the Contractor's compliance with all contractual requirements; **NOW THEREFORE**;

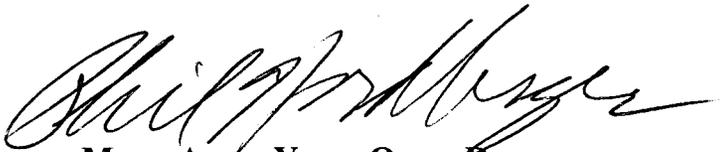
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The First Amendment to the Amended and Restated Henry B. Gonzalez Convention Center Food and Beverage Service and Concession Services 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 City Manager or her designee is hereby authorized 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.

PASSED AND APPROVED this 12th day of January 2006.



M A Y O R

PHIL HARDBERGER

ATTEST: *Lucia M. Vaca*
City Clerk

APPROVED AS TO FORM:

for *Mr. Zetzsche*
City Attorney