

AN ORDINANCE 99581

AUTHORIZING EXECUTION OF AN AMENDMENT TO THE CONCESSION AGREEMENT BETWEEN THE CITY AND TOWER FOODS, INC. FOR USE OF THE TOWER OF THE AMERICAS IN CITY COUNCIL DISTRICT 1 TO EXTEND THE CONTRACT TERM AND TO REVISE THE PERCENTAGE OF REVENUE PAID TO THE CITY.

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WHEREAS, on May 8, 1986, the City entered into a concession agreement with Tower Foods, Inc. for use of the Tower of the Americas that was scheduled to expire on December 31, 2003; and

WHEREAS, on December 4, 2003, this contract was amended to extend until August 31, 2004, as approved through Ordinance 98567, in order to get the City's Request for Proposals (RFP) process for Tower operations and new contract negotiations completed; and

WHEREAS, following the Tower Operator RFP process, a proposal from Landry's Restaurants, Inc. was selected by City Council on March 4, 2004, by Ordinance No. 98910; and

WHEREAS, City staff was authorized in Ordinance No. 98910 to negotiate a contract with Landry's Restaurants, Inc. for proposed capital improvements and operations of the entire Tower of the Americas; and

WHEREAS, the lease term is proposed to be 15 years with a 10 year renewal option; and

WHEREAS, both the City and Landry's hired outside legal counsel to assist with the many details associated with the contract, which caused delays in getting the negotiations underway immediately; and

WHEREAS, it would benefit the City to maintain a restaurant presence in the Tower and staff has negotiated an amendment that will allow Tower Foods, Inc. to continue operations until February 28, 2005; and

WHEREAS, it is anticipated that in March 2005, the Tower of the Americas will close for several months so that capital improvements may be constructed; **NOW THEREFORE:**

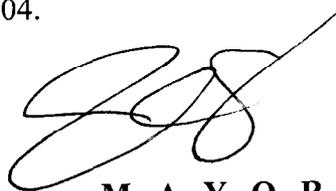
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

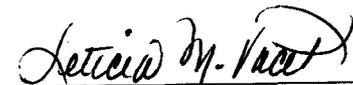
Section 1. The City Manager or her designee is hereby authorized to execute an Amendment Two to the Concession Agreement with Tower Foods, Inc. for use of the Tower of the Americas. A copy of said Amendment in substantially final form is affixed hereto and incorporated herein for all purposes as Attachment I.

Section 2. The proceeds of these agreements shall be deposited into Fund 11-000 entitled "General Fund," Index Codes 014852 entitled, "Tower Restaurant: Food & Beverage."

Section 3. This ordinance shall be effective on and after August 22, 2004.

PASSED AND APPROVED this 12th day of August, 2004.


M A Y O R
for EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney