

AN ORDINANCE 2008-06-05-0485

APPROVING AN AMENDMENT TO A PROMOTION FUNDING AND USE AGREEMENT WITH THE LA VILLITA TENANTS ASSOCIATION TO PROVIDE FOR A ONE-YEAR EXTENSION OF THE FUNDING AGREEMENT THROUGH JUNE 30, 2009.

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WHEREAS, the City of San Antonio currently leases space within La Villita to twenty-five (25) retail tenants; and

WHEREAS, in addition to paying monthly rental, each tenant of La Villita contributes \$0.05 per retail square foot in promotion fees; and

WHEREAS, on August 29, 2002, City Council approved a Funding and Use Agreement (Funding Agreement) with the La Villita Tenants Association (LVTA); and

WHEREAS, this Funding Agreement coincides with the La Villita Lease Agreements and will expire on June 30, 2008; and

WHEREAS, staff is recommending that the Funding Agreement with the LVTA be amended to run through June 30, 2009 to continue to coincide with the La Villita Lease Agreements; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee, or the Director of the Downtown Operations Department or her designee, is authorized to execute an amendment to a Promotion Funding and Use Agreement with the La Villita Tenants Association (LVTA) to provide for a one-year extension of the Funding Agreement through June 30, 2009. A copy of the amendment is attached hereto and incorporated herein for all purposes as Attachment I.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SW/mgc
06/05/08
Item #22 b

SECTION 3. This ordinance shall be effective on and after June 15, 2008.

PASSED AND APPROVED this 5th day of June, 2008.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

SECOND AMENDMENT OF PROMOTION FUNDING AND USE AGREEMENT

LA VILLITA TENANTS ASSOCIATION

WHEREAS, the **City of San Antonio**, a Texas Municipal Corporation, acting by and through its City Manager pursuant to **Ordinance No. 96257**, passed and approved by the **City Council on August 29, 2002** (hereinafter referred to as "**CITY**"), entered into a **PROMOTION FUNDING AND USE AGREEMENT ("AGREEMENT") effective September 8, 2002** with the **LA VILLITA TENANTS ASSOCIATION**, a Texas Corporation (hereinafter referred to as "**ASSOCIATION**"), for the funding of promotional and advertising activities in La Villita through funds collected and matched by the **CITY**; and

WHEREAS, aforementioned **AGREEMENT** with the **ASSOCIATION** was amended by the City of San Antonio acting by and through its City Manager pursuant to Ordinance No. 2007-09-06-0946 on September 6, 2007; and

WHEREAS, said Ordinance No. 2007-09-06-0946 amended the Term of the **AGREEMENT**; and

WHEREAS, staff is recommending that leases in La Villita Historic Arts Village be extended for an additional one (1) year period to have the opportunity to incorporate recommendations from Urban Marketing Collaborative's Retail Management Study; and

WHEREAS, the **AGREEMENT** is required to run concurrent with the aforementioned leases, **NOW THEREFORE**,

In consideration of the mutual covenants and agreements set forth below the parties agree as follows:

1. **AMENDING THE TERM**: Article 2 of the **AGREEMENT** is amended to include the following provisions:
 - 2.1 The term of this **AGREEMENT**, as amended, is extended for an additional one-year term beginning July, 1, 2008 through June 30, 2009, unless it is sooner terminated under the provisions hereof. **ASSOCIATION** acknowledges that no promise to extend or renew this agreement beyond this term is made or implied.
2. **OTHER TERMS**: All other terms and provisions of the **AGREEMENT** remain unchanged by this amendment.

THIS SECTION LEFT INTENTIONALLY BLANK

3. ACKNOWLEDGEMENT OF READING: The parties hereto acknowledge that they have thoroughly read this Agreement, including any exhibits or attachments hereto, and have sought and received whatsoever competent advice and counsel which was necessary for them to form a full and complete understanding of their rights and obligations herein, and having done so, do hereby execute this Agreement.

EXECUTED this May 2, 2008

CITY:

CITY OF SAN ANTONIO,
A Texas Municipal Corporation

By: _____
City Manager

ASSOCIATION:

La Villita Tenants Association
A Texas Corporation

Denise Barron
President

Printed Name, Title

ATTEST:

City Clerk

Denise Barron

Signature

APPROVED AS TO FORM:

City Attorney

418 Villita #903

Address

San Antonio TX 78205

City, State, and Zip Code

210 222 2497

Area Code/Telephone Number