

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**AUTHORIZING THREE LICENSE AGREEMENTS TO ALAMO
BEER COMPANY, LLC RELATING TO THE HAYS STREET
BRIDGE.**

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WHEREAS, the licensed improvements or facilities will not be located on, extend onto, or intrude on (A) the roadway; or (B) a part of the sidewalk needed for pedestrian use;

WHEREAS, the licensed improvements or facilities will not create a hazardous condition or obstruction of vehicular or pedestrian travel on the municipal street; and

WHEREAS, the design and location of licensed the improvements or facilities includes all reasonable planning to minimize potential injury or interference to the public in the use of the municipal street.

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

SECTION 1. The City Manager or her designee is authorized and directed to execute and deliver on behalf of the City three license agreements with Alamo Beer Company, LLC, one for use of the area underneath Hays Street bridge, one for conducting a restaurant-seating operation on part of the deck of the Hays street bridge, and one for a skywalk between a building to be constructed and the area of the bridge where the restaurant-seating operation will be. The form of these license agreements is yet to be negotiated and further may vary to comply with state or federal requirements, including those associated with funding used to refurbish the Hays Street Bridge.

SECTION 2. The City Manager and her designee should take all actions necessary or convenient to effectuate the transactions, including executing all necessary or convenient instruments and agreements.

SECTION 3. Funding in the amount of \$50,000 for this ordinance is available in Fund 11001000, Cost Center 7001990059 and General Ledger 5201040, as part of the Fiscal Year 2012 Budget and payment is authorized to the order of Alamo Beer Company, LLC.

SECTION 4. Payment not to exceed the amount of \$449,000 is authorized to Alamo Beer Company, LLC through Fund 11001000, Cost Center XXXXXXXXXX and General Ledger XXXXXXXX with Cost Center and General Ledger to be determined by the Office of Budget and Management. Annual payments to the order of Alamo Beer Company, LLC shall not exceed the amount equal to the previous year's General Fund portion of ad valorem taxes remitted to the City for a period not to exceed 15 years and at such time funds are authorized to be encumbered.

SECTION 5. Property located at 803 North Cherry Street, which was appraised at \$295,000, is authorized to be conveyed to Alamo Beer Company, LLC or its assign. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 6. 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.

SECTION 7. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this ??? day of ?????? 2012.

M A Y O R
Julián Castro

Attest:

Approved As To Form:

Leticia M. Vacek, City Clerk

Michael D. Bernard, City Attorney