SW/vv
11/07/13
Item #34

AN ORDINANCE 2013-11-07-0765

AUTHORIZING AN AMENDMENT TO THE FIESTA SAN ANTONIO COMMISSION CONTRACT TO AUTHORIZE THE CARNIVAL CONCESSION BE AWARDED FOR UP TO SIX YEARS, TO ALTER THE FIESTA 2014 EVENT DATES TO AVOID CONFLICTING WITH THE EASTER HOLIDAY, AND TO INCLUDE CONTRACT LANGUAGE REGARDING RECYCLING AT EVENTS.

* * * * *

WHEREAS, the City Council approved a 10 year contract with the Fiesta Commission in 2008 for the years 2009-2018 to coordinate and oversee Fiesta events; and

WHEREAS, the contract includes a provision requiring the Fiesta Commission to issue a request for proposals (RFP) for the selection of a carnival and parade concession operator for no more than a five year term; and

WHEREAS, the Fiesta Commission awarded their Fiesta Carnival and Parade Route Concessions Contract to W.G. Wade Shows, Inc. in 2008 for the period 2009-2011, then exercised an option to extend the term for 2012-2013; and

WHEREAS, W.G. Wade Shows provides the Fiesta Commission a $500,000.00 guaranteed annual payment or 37.5% of gross revenue over $2,000,000.00; and

WHEREAS, from 2009-2013, W.G. Wade Shows has paid the Fiesta Commission only the guaranteed annual payment of $500,000.00; and

WHEREAS, the Fiesta Commission has requested the City amend their contract to increase the maximum authorized term with their carnival operator from five to seven years, based on the quality of Wade Shows' operations, the increasingly limited number of legitimate carnival operators, and the expense associated with the RFP process; and

WHEREAS, in exchange, the Fiesta Commission has agreed to increase Wade Shows' guaranteed annual payment from $500,000.00 to $550,000.00, which will result in no less than a $50,000.00 annual payment to the City from the Fiesta Commission since the payment structure directs 100% of Wade's payment from $0-$500,000.00 to the Fiesta Commission, 100% from $500,000.00-$650,000.00 to the City, and payments over $650,000.00 split evenly between the Commission and the City; and

WHEREAS, the proposed amendment also revises the dates of Fiesta 2014 due to Good Friday and Easter Sunday falling on April 18 and 20, respectively. In order to schedule Fiesta events so as not to conflict with Easter weekend, the amendment identifies the period of Fiesta 2014 from April 10-27; and

SW/vv
11/07/13
Item #34

WHEREAS, in addition, the Fiesta Commission has agreed to implement efforts to improve recycling at events with 1:1 garbage to recycling collection at events, placement of recycling receptacles as close as possible to garbage receptacles with visible signage on each, and delivery of collected recyclables to certified recycling materials facilities; **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 his designee, is authorized to execute an amendment to the Fiesta San Antonio Commission contract to authorize the carnival concession be awarded for up to six years, to alter the Fiesta 2014 event dates to avoid conflicting with the Easter Holiday, and to include contract language regarding recycling at events. A copy of the amendment is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 219000000005 and General Ledger 4407702.

SECTION 3. 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 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 7th day of November, 2013.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Michael Bernard, City Attorney

Agenda Item:	**34**
Date:	11/07/2013
Time:	11:44:45 AM
Vote Type:	Other: One-year Extension
Description:	An Ordinance authorizing an amendment to the Fiesta San Antonio Commission contract to authorize the carnival concession be awarded for up to seven years, to alter the Fiesta 2014 event dates to avoid conflicting with the Easter Holiday, and to include contract language regarding recycling at events [Edward Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations].
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x			x	
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Carlton Soules	District 10		x				

FIRST AMENDMENT TO
FIESTA® SAN ANTONIO COMMISSION, INC. CONTRACT

STATE OF TEXAS §
§
COUNTY OF BEXAR §

This First Amendment to Contract (hereinafter referred to as "First Amendment") is hereby made and entered into by and between the CITY OF SAN ANTONIO (hereinafter referred to as "City"), a Texas municipal corporation, acting by and through its City Manager, pursuant to Ordinance No. 2013-11-07-0765 dated Nov. 7, 2013, and FIESTA® SAN ANTONIO COMMISSION, INC. (hereinafter referred to as "Commission"), a Texas non-profit organization, acting by and through its Chief Executive Officer, hereto duly authorized (collectively the "Parties").

WHEREAS, San Antonio's annual Fiesta® San Antonio celebration (hereinafter referred to as Fiesta®), through the dedicated efforts of many civic-minded persons and nonprofit organizations, has achieved statewide, national and international recognition as one of the outstanding festival events, unique in the world and has three times been named the best festival by the Texas Festivals and Events Association; and

WHEREAS, the City Council of the City of San Antonio recognizes the importance of Fiesta® San Antonio as an integral part of the tradition and culture of this City and as an effective means of drawing attention to the historical, cultural and recreational attractions of this City, thereby enhancing the growth of tourism and convention activities in the City; and consequently desires to support the continuation and growth of Fiesta® San Antonio; and

WHEREAS, the Commission is a nonprofit corporation existing for the purpose of supporting Fiesta® San Antonio by raising funds for the financial support of Fiesta® activities, allocating such funds among nonprofit, civic and patriotic organizations that sponsor official Fiesta® events, and planning, developing and coordinating the events and activities of Fiesta® to present a celebration that is full, diverse, enjoyable, educational and attractive to the public; and

WHEREAS, on February 21, 2008, pursuant to Ordinance No. 2008-02-21-0125, the City and Commission executed a contract (the "Contract") which authorized the Commission to administer, coordinate and oversee Fiesta® for a ten-year period (2009-2018), which the Parties now desire to amend.

NOW THEREFORE, the Parties hereto desire to amend the terms of the Contract and execute this First Amendment.

1. Section 4.01, Dates of Fiesta, shall be amended by deleting the dates for Fiesta® 2014 and inserting:

"April 10th through 27th, 2014."

2. Section 5.02(d), RFP, shall be amended as follows:

   "(d) the carnival concession shall be awarded for no more than a six (6) year period;"

3. A new Section 11.03 shall be added:

   11.03 Commission agrees to require Fiesta Carnival & Parade Route Concession licensee to provide guaranteed payment of no less than $550,000.00 annually, which shall result in Commission's annual payment to City of no less than $50,000.00 annually per Section 11.01.

4. A new section XXVIX, Green Initiatives, shall be added:

"XXVIX GREEN INITIATIVES

29.01 All events sponsored by the Commission and its participating member organizations (PMOs) operating on public property owned by the City shall use best efforts to improve recycling of solid waste generated and green initiatives at each event. As a guide, the Commission and its PMOs may review the Green Events Planning Guide and attempt to incorporate when possible such guidelines into their events. Such efforts shall include:

a. Recycling containers shall be appropriate size and number for anticipated recyclables generated at the event.

b. Recycling collection service shall be convenient to the event goers and recycling containers shall be placed as close as possible to garbage containers.

c. Clear and visible signage shall be placed on both garbage and recycling containers.

d. All recyclable materials deposited into the recycling containers must be delivered to a certified recycling materials facility to be processed and NOT landfilled for disposal.

e. As a goal, provide both garbage and recycling collection service, where it is not a threat to health and safety, in a 1:1 ratio of services for garbage and recycling collection services."

The Contract, as amended by this First Amendment, will continue in full force and effect and is hereby ratified by the Commission and City. All defined and capitalized terms as set forth in the Contract shall have the same meanings when used in this First Amendment unless otherwise provided herein. Nothing in this First Amendment modifies any of the provisions of the Contract, except as expressly provided in this First Amendment. This First Amendment embodies the entire agreement and understanding between the Commission and City as may be applicable with respect to the specific matters set forth herein, and supersedes all prior agreements and understanding, written or oral, between the Commission and City related to such matters.

EXECUTED this the 25th day of November, 2013 in multiple originals, each with full force and effect.

CITY OF SAN ANTONIO

By: _____

Title:

FIESTA® SAN ANTONIO COMMISSION, INC.

By: _____

Title: Chief Executive Officer

APPROVED AS TO FORM:

_____

City Attorney

ATTEST:

_____

Leticia M. Vacek
City Clerk

11-25-2013

Date

Amendment to Fiesta Commission Agreement

City Council

Item 34

November 7, 2013

Summary

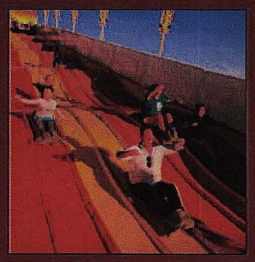
- This ordinance authorizes an amendment to the Fiesta Commission contract to:
  - enable carnival concession be awarded for up to seven years,
  - alter the Fiesta 2014 event dates due to Holy Week, and
  - add language regarding recycling at events

Background

- Fiesta Commission requested amendment increasing the maximum authorized term with carnival operator from five to seven years, based on:
  - Quality of Wade Shows' operations,
  - Limited number of carnival operators,
- Amendment will increase minimum annual guarantee, resulting in $50,000 annual payment from Fiesta Commission to City

Background

- Over the past year, Fiesta Commission has undergone a change in executive leadership
  - Two year extension allows time to develop RFP
- Current carnival operator has produced quality performance in a safe environment, with consistent outreach to the community.



Fiscal Impact

- Fiesta Commission to increase Wade Shows' guaranteed annual payment from $500,000 to $550,000
- Will result in no less than $50,000 annual payment to City from Fiesta Commission

Amendment to Fiesta Commission Agreement

City Council

Item 34

November 7, 2013

Background

- The amendment also revises Fiesta 2014 event dates from April 19-27 to April 10-27
- Enables events to avoid conflict with Holy Week
  - Holy Thursday (April 17, 2014)
  - Good Friday (April 18, 2014)
  - Easter Sunday (April 20, 2014)

Background

- Amendment adds language for Fiesta Commission to improve recycling at events
  - Goal is to achieve 1:1 ratio of garbage to recycling containers at events