

CITY OF SAN ANTONIO

INTERDEPARTMENTAL CORRESPONDENCE SHEET

PARKS AND RECREATION DEPARTMENT

**TO:** Mayor and City Council

**FROM:** Malcolm Matthews, Director, Parks and Recreation Department

**COPIES TO:** Christopher J. Brady; Finance; Management and Budget; Legal; file.

**SUBJECT:** License Agreement with Alamo Kiwanis Charities, Inc. for the Fiesta Noche del Rio

**DATE:** June 3, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance authorizes the execution of a five-year License Agreement with Alamo Kiwanis Charities, Inc., a non-profit corporation, for use of the Arneson River Theatre in La Villita in City Council District 1, in consideration for payment of \$7,000.00 in 2004, \$7,500.00 in 2005, \$8,000.00 in 2006, \$8,500.00 in 2007 and \$9,000.00 in 2008.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

The Alamo Kiwanis Charities, Inc. a Texas non-profit corporation, has held the Fiesta Noche Del Rio in the Arneson River Theatre in La Villita in City Council District 1 for almost 50 years and the event has become an annual tradition in our community. They utilize the facility on select Thursday, Friday and Saturday nights during the months of May, June and July. Over 12,000 people attend the event each year and Kiwanis utilizes the proceeds to support its community charity programs. The License Agreement allows the Kiwanis to charge admission to their event and to sell food and drinks out of the concession area at the Arneson River Theatre. Admission fees must be submitted to the Parks and Recreation Department Director annually for approval. Price of admission in 2004 will be the same as last year:

- \$12 - adults
- \$10 - seniors (over 65) and groups of 10 or more adults
- \$ 6 - children ages 6-14
- Free - children under 6

The Kiwanis will pay the City \$7,000.00 for the first year, then the amount is increased by \$500.00 per year, up to \$9,000.00 in 2008. Clean up following event is provided by the Kiwanis. The City provides one employee to be on duty to perform emergency repairs during the hours of the event, as is done for all evening events in La Villita, which is accomplished through an adjusted work schedule.

### **POLICY ANALYSIS**

The City has allowed the Alamo Kiwanis Charities, Inc. to use the Arneson River Theatre in La Villita under various license agreements since 1957. Most recently, Ordinance No, 89709, passed and approved on May 6, 1999, authorized a five (5) year License Agreement for this event for 1999, 2000, 2001, 2002 and 2003. This action is consistent with City policy on the use of La Villita special events.

### **FINANCIAL IMPACT**

The Kiwanis will pay the City \$7,000.00 for the first year, which is equal to the past agreement's payment, and then the amount will increase annually by \$500.00.


2004 - \$7,000.00	2006 - \$8,000.00	2008 - \$9,000.00
2005 - \$7,500.00	2007 - \$8,500.00	

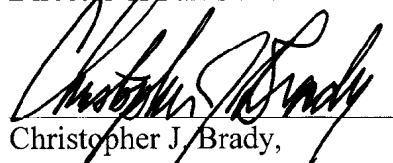
### **COORDINATION**

This License Agreement has been coordinated with the City's Asset Management Department, City Attorney's Office and Risk Management Division.

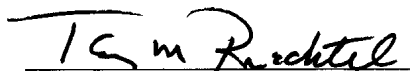
### **SUPPLEMENTARY COMMENTS**

A copy of the City Discretionary Contracts Disclosure Statement for the Alamo Kiwanis Charities, Inc. is attached.

  
\_\_\_\_\_  
Malcolm Matthews,  
Director of Parks and Recreation

  
\_\_\_\_\_  
Christopher J. Brady,  
Assistant City Manager

Approved:

  
\_\_\_\_\_  
Terry M. Brechtel  
City Manager

**City of San Antonio**  
**Discretionary Contracts Disclosure\***

*For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2  
Attach additional sheets if space provided is not sufficient.  
State "Not Applicable" for questions that do not apply.*

*\* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.*

**Disclosure of Parties, Owners, and Closely Related Persons**

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract;

N/A

(2) the identity of any **business entity**<sup>1</sup> that would be a party to the discretionary contract:

Alamo Kiwanis Charities, Inc.

and the name of:

(A) any individual or business entity that would be a *subcontractor* on the discretionary contract;

Sabores de Jalisco, Inc., d/b/a Que Lindo es Jalisco

(B) any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary* business entity, of any individual or business entity who would be a party to the discretionary contract;

N/A

(3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A

<sup>1</sup> A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

### Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current or former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
N/A		

### Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question<sup>2</sup> as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

N/A		
Signature: <u>Bruce Ortiz</u>	Title: Chairman, 2004 Fiesta Noche del Rio	Date: <u>5/6/04</u>
	Company:	

<sup>2</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.