

City of Houston Ordinance No. 2014-929

AN ORDINANCE APPROVING AND AUTHORIZING A THIRD AMENDMENT TO CONTRACT NO. C56086 BETWEEN THE CITY OF HOUSTON AND AMERICAN BOTTLING COMPANY OF TEXAS TO EXTEND THE CONTRACT TERM (APPROVED BY ORDINANCE NO. 2004-754); CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

\* \* \* \*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 15th day of October, 2014.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is OCT 21 2014.

[Signature]  
City Secretary

(Prepared by Legal Dept. [Signature])  
(YB:bt 10/08/2014) Assistant City Attorney  
(Requested by Calvin Wells, City Purchasing Agent, Finance Department)  
(L.D. File No. 0340300351007)

| AYE     | NO      |                        |
|---------|---------|------------------------|
| ✓       |         | <b>MAYOR PARKER</b>    |
| ••••    | ••••    | <b>COUNCIL MEMBERS</b> |
| ✓       |         | STARDIG                |
| ✓       |         | DAVIS                  |
| ✓       |         | COHEN                  |
| ✓       |         | BOYKINS                |
| ✓       |         | MARTIN                 |
| ✓       |         | NGUYEN                 |
| ✓       |         | PENNINGTON             |
| ✓       |         | GONZALEZ               |
| ✓       |         | GALLEGOS               |
| ✓       |         | LASTER                 |
| ✓       |         | GREEN                  |
| ✓       |         | COSTELLO               |
| ✓       |         | ROBINSON               |
| ✓       |         | KUBOSH                 |
| ✓       |         | BRADFORD               |
| ✓       |         | CHRISTIE               |
| CAPTION | ADOPTED |                        |

**THIRD AMENDMENT  
TO  
AGREEMENT FOR A BEVERAGE VENDING MACHINE CONCESSION**

**THIS THIRD AMENDMENT TO THE AGREEMENT FOR A BEVERAGE VENDING MACHINE CONCESSION** (the "Third Amendment") is made by and between the **CITY OF HOUSTON, TEXAS** (the "City"), a home-rule city of the State of Texas, principally situated in Harris County, Texas, acting by and through its governing body, the City Council, and **AMERICAN BOTTLING COMPANY** ("Contractor"), a Delaware corporation.

**BACKGROUND**

**WHEREAS**, pursuant to Ordinance No. 2004-0754, effective July 7, 2004, the City entered into an Agreement for a Beverage Vending Machine Concession (the "Original Agreement") with Contractor;

**WHEREAS**, pursuant to Ordinance No. 2014-658, effective July 2, 2014, the City and Contractor amended the Original Agreement to extend the contract term from July 15, 2014 to October 31, 2014, and waive the \$100,000.00 annual fee and free product delivery during the extension of the term;

**WHEREAS**, City and Contractor now desire to amend the Original Agreement to extend the contract term from November 1, 2014 to January 31, 2015.

**NOW, THEREFORE**, the City and Contractor agree to amend the Original Agreement as follows:

In accordance with Section VI (E) of the Original Agreement ("Written Amendment"), the following portions of the Original Agreement are amended as follows:

**ARTICLE I.**

Section V (B), Contract Term, of the Original Agreement is amended to read as follows:

“This Agreement is effective on the Countersignature Date and expires on January 31, 2015.”

**ARTICLE II.**

In the event of a conflict between the Original Agreement, First Amendment, Second Amendment and this Third Amendment, this Third Amendment shall prevail.

**ARTICLE III.**

All other terms and conditions of the Original Agreement, except as amended in this Third Amendment, shall continue in full force and effect.

Signatures

IN WITNESS WHEREOF, the parties have executed this Third Amendment in multiple originals, each of equal force and effect.

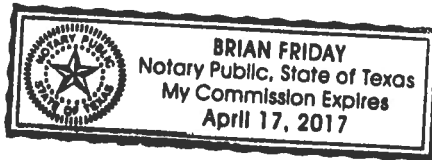
THE AMERICAN BOTTLING  
COMPANY OF TEXAS  
(Contractor)

WITNESS:

By: Brian Friday  
Name: Brian Friday  
Title: Notary

By: James Collins  
Name: James Collins  
Title: RVP  
Tax ID No.: 36-4223626

ATTEST/SEAL:



CITY OF HOUSTON, TEXAS  
Signed by:

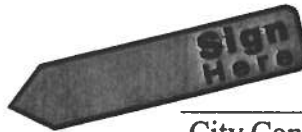
\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

APPROVED:

COUNTERSIGNED BY:

Scott Minnis  
Director, Building Services  
GSD



\_\_\_\_\_  
City Controller

APPROVED AS TO FORM:

DATE COUNTERSIGNED:

[Signature]  
Assistant City Attorney  
L.D. File No. 0340300351007

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