1	RESOLUTION NO.		
2			
3	A RESOLUTION TO APPROVE A FIRST AMENDMENT TO THE		
4	PEPSICO, INC., POURING RIGHTS AGREEMENT; AND FOR OTHER		
5	PURPOSES.		
6			
7	WHEREAS, the City of Little Rock ("City") Board of Directors passed Resolution No. 15,147, on or		
8	about January 21, 2020, authorizing the Mayor and the City Clerk to enter into a contract with PepsiCo,		
9	Inc., for the exclusive Pouring Rights for the City's Parks and Recreation facilities; and,		
10	WHEREAS, Resolution No. 15,147 requires the term of the relevant contract to be one (1)-year with		
11	the option of up to five (5), one (1)-year renewals, provided the first year shall end on December 31,		
12	2020; and,		
13	WHEREAS, because of delays due to the COVID-19 Pandemic and for other reasons, it is untenable		
14	to have a contract term for one (1)-year to end on December 31, 2020; and,		
15	WHEREAS, Resolution No. 15,147 states that the contract "shall require PepsiCo, Inc., to pay the		
16	City Twenty Thousand Dollars (\$20,000.00), plus additional fees and commissions, for a total cash		
17	support and marketing fund pledge totaling Two Hundred Six Thousand, Eight Hundred Seventy Dollars		
18	(\$206,870.00) payable annually; if the contract and extensions are honored, one sixth of which is Thirty-		
19	Four Thousand, Four Hundred Seventy-Eight and 33/100 Dollars (\$34,478.33) will be paid in annual		
20	installments; and,		
21	WHEREAS, Resolution No. 15,147 is unclear as it states that PepsiCo, Inc. shall pay the City Two		
22	Hundred Six Thousand, Eight Hundred Seventy Dollars (\$206,870.00) annually and Thirty-Four		
23	Thousand, Four Hundred Seventy-Eight and 33/100 Dollars (\$34,478.33) shall be paid in annual		
24	installments; and,		
25	WHEREAS, Resolution No. 15,147 does not accurately reflect the bid PepsiCo, Inc., submitted to		
26	the City and some of the monies PepsiCo., Inc., will give the City will fluctuate depending upon the		
27	number of units sold and contract negotiations have resulted in altered amounts of funding PepsiCo,		
28	Inc., will give the City.		
29	NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF THE CITY		
30	OF LITTLE ROCK, ARKANSAS:		
31	Section 1. The Mayor and the City Clerk are authorized to enter into an amended contract with		
32	PepsiCo, Inc.		
33	Section 2. The term of the contract between the City and PepsiCo, Inc. shall commence as soon as		
34	possible. The term of this contract shall be one (1)-year with the option of up to five (5) year, one (1)-year		
35	renewals.		

1	Section	on 3. The contract shall require PepsiCo, Inc. to pay the City the following amounts:		
2	•	Sponsorship Funds in the amount of Eighteen Thousand Dollars (\$18,000.00) for th	e first	
3		term of the contract. For any renewals of this contract PepsiCo, Inc., will adju	st the	
4		Sponsorship Funds based on the number of Units purchased from PepsiCo, Inc., and	d sold	
5		at the applicable City facilities;		
6	•	Annual Marketing Funds in the amount of Two Thousand, Five Hundred D	ollars	
7		(\$2,500.00) for each contract term;		
8	•	Annual Advertising Funds in the amount of Two Thousand, Five Hundred D	ollars	
9		(\$2,500.00) for each contract term;		
10	•	Rebates dependent upon the type and number of PepsiCo products purchased	from	
11		PepsiCo, Inc., and sold at the applicable City facilities;		
12	•	Commissions for vending machine sales at the applicable City facilities; and		
13	•	Marketing Support in the amount of Four Hundred Eighty Dollars (\$480.00) for	each	
14		term for agreed upon point-of-sale materials and promotional programs;		
15	•	Support for the Little Rock Fire Department in the amount of up to Five Tho	usand	
16		Dollars (\$5,000.00) for each term.		
17	Section	on 4. Severability. In the event any title, section, paragraph, item, sentence, clause,	phrase, or	
18	word of th	this resolution is declared or adjudged to be invalid or unconstitutional, such decl	aration or	
19	adjudication shall not affect the remaining portions of the resolution which shall remain in full force and			
20	effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the			
21	resolution.	n.		
22	Section	on 5. Repealer. All laws, ordinances, resolutions, or parts of the same, that are in	consistent	
23	with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.			
24	ADOPTE	ED: May 5, 2020		
25	ATTEST:	C: APPROVED:		
26				
27				
28		angley, City Clerk Frank Scott, Jr., Mayor		
29	APPROV	VED AS TO LEGAL FORM:		
30				
31 32	Thomas N	M. Carpenter, City Attorney		
33	//	in our police, only more a		
34	//			
35	//			
36	//			