

AN ORDINANCE 2009-04-30-0340

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN HARLANDALE INDEPENDENT SCHOOL DISTRICT AND THE CITY OF SAN ANTONIO RELATED TO PUBLIC RECREATION FACILITIES LOCATED IN KINGSBOROUGH PARK AND KINGSBOROUGH MIDDLE SCHOOL IN DISTRICT 3.

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WHEREAS, on May 21, 1979, City Council approved Ordinance 50946 accepting approximately 12.9 acres of land adjacent to Kingsborough Middle School from Harlandale Independent School District (HISD) for the creation of Kingsborough Park; and

WHEREAS, at the same time, the City of San Antonio (City) and HISD entered into an Agreement related to the use and maintenance of Kingsborough Park; and

WHEREAS, the Agreement stipulates that the land must be used for public parks and recreation purposes and HISD has the right to use the park facilities for up to four hours per day during school hours; and

WHEREAS, the City has improved Kingsborough Park with the addition of a swimming pool, restrooms, and several picnic tables; and

WHEREAS, in addition, a track was constructed by HISD, a small portion of which is within Kingsborough Park; and

WHEREAS, the track is used by the school as well as the community; and

WHEREAS, as part of the City's 2007 Bond Initiative, \$200,000.00 was approved for improvements to the track; and

WHEREAS, HISD will resurface the track and add curbing and the City will install lighting around the track; and

WHEREAS, the City project is being managed by Capital Improvements Management Services (CIMS) and the lighting improvements are under design; and

WHEREAS, CIMS will bring an item approving the construction contract to City Council at a later date; and

WHEREAS, HISD track improvements will be completed in May 2009; and

WHEREAS, the proposed amendment to the Agreement includes the following provisions: a) allows use of track by citizens except during school hours, b) obligates HISD for the

maintenance of the track and lighting, c) obligates the City for the cost of the track lighting electrical usage, d) allows the shifting of the track location up to 50 feet to remove it from a SAWS easement on HISD's property, and e) provides for access for each party for construction, inspection and maintenance; **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 Parks and Recreation or his designee is authorized to execute an amendment to the agreement between Harlandale Independent School District and the City of San Antonio related to public recreation facilities located in Kingsborough Park and Kingsborough Middle School in District 3. A copy of the agreement in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funding for this ordinance resides in Department 2600 in the General Fund. All expenditures will comply with Operating and or Capital Budgets for current and future fiscal years.

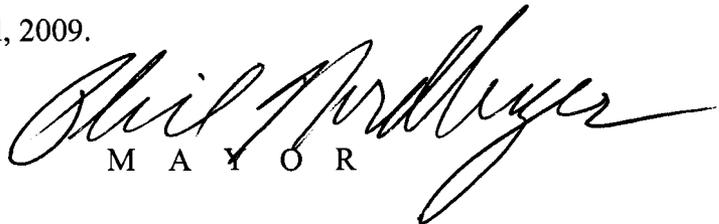
SECTION 3. Payment not to exceed the limitations of the budgeted amount is authorized and should be encumbered with a purchase order.

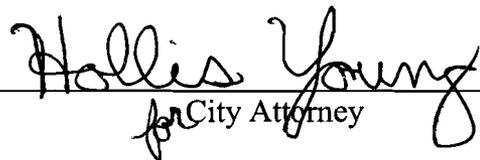
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 5. This ordinance shall be effective on and after May 10, 2009.

PASSED AND APPROVED this 30th day of April, 2009.

ATTEST: 
City Clerk


M A Y O R

APPROVED AS TO FORM: 
for City Attorney

Agenda Item:	36 (in consent vote: 11, 12, 13, 14, 19, 20, 22, 23, 25A, 25C, 25D, 25E, 27, 29, 32, 33, 34, 36, 37)						
Date:	04/30/2009						
Time:	02:40:58 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving an amendment to the agreement between Harlandale Independent School District and the City of San Antonio related to public recreation facilities located in Kingsborough Park and Kingsborough Middle School in Council District 3. [A.J. Rodriguez, Deputy City Manager; Xavier Urrutia, Director, Parks & Recreation]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

**AMENDMENT TO
AGREEMENT BETWEEN THE HARLANDALE INDEPENDENT SCHOOL
DISTRICT AND THE CITY OF SAN ANTONIO RELATED TO PUBLIC
RECREATION FACILITIES TO BE LOCATED NEAR KINGSBOROUGH
MIDDLE SCHOOL**

This Amendment ("Amendment") to the Agreement Between the Harlandale Independent School District and the City of San Antonio Related to Public Recreation Facilities To Be Located Near Kingsborough Middle School ("Agreement") is by and between the City of San Antonio, a Texas Municipal Corporation ("City"), acting by and through its City Manager or her designee, pursuant to Ordinance No. _____ passed and approved on _____, 200__, and Harlandale Independent School District ("HISD"), a public school district.

WHEREAS, pursuant to Ordinance 50946, passed and approved on May 21, 1979, HISD deeded to City 12.854 acres of land adjacent to HISD's Kingsborough Middle School and Schultze Elementary School to establish Kingsborough Park; and

WHEREAS, also pursuant to Ordinance 50946, City and HISD entered into the Agreement regarding the use and maintenance of Kingsborough Park; and

WHEREAS, improvements have been made to Kingsborough Park since 1979, including a swimming pool, restrooms, and a multi-use sports field, and HISD has constructed a recreational track, a portion of which lies within Kingsborough Park; and

WHEREAS, improvements to the recreational track are planned by City, utilizing 2007 Bond funds, and HISD, from funds provided by HISD, NOW THEREFORE,

In consideration of the mutual covenants and agreements set forth below, City and HISD agree as follows:

The following will be added:

10. A recreational track (Track) was previously constructed by HISD, a portion of which lies within the property, which is now known as Kingsborough Park. City and HISD plan to make improvements to the Track.
 - a. HISD, at HISD's expense, will provide inside and outside curbing and new surfacing material for the Track.
 - b. HISD shall have the right to reposition the Track by shifting it approximately 50' to the south of its current location in order to take it out of the SAWS easement within HISD's property.
 - c. City, at City's expense but not to exceed \$200,000 in design, management, and construction costs, will provide lighting for the Track.
 - d. The Track will be available for use by citizens except during school hours.

- e. Each party shall provide access to the property owned by the other for employees, consultants, subconsultants, contractors and subcontractors during the design and construction of the Track improvements, installation of lighting and for purposes of inspection and maintenance.
- f. HISD will be responsible for the maintenance of the Track and lighting, including the portion within Kingsborough Park.
- g. City will be responsible for the cost of electrical usage for the lights to be installed by City and HISD shall allow electrical meter(s) to be installed on HISD's property, the location of such meter(s) to be subject to the approval of HISD.

Except as modified herein, all terms and conditions contained in the Agreement shall remain in full force and effect.

EXECUTED on this _____ day of _____, 200__.

City:
 City of San Antonio, a Texas
 Municipal corporation

HISD:
 Harlandale Independent School
 District

By: _____
 City Manager

By: Robert J. Jubb
 Printed Name:
 Title:

Attest: _____
 City Clerk

Approved as to form: _____
 City Attorney