PW:gg
04-14-2016
Item No.10.

AN ORDINANCE 2016-04-14-0275

AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT WITH NEW LEAF HOMES IN THE AMOUNT NOT TO EXCEED $300,000.00 TO BUILD SIDEWALKS IN THE WHEATLEY AREA LOCATED IN COUNCIL DISTRICT 2; AND REQUIRING NEW LEAF HOMES TO BUILD A TOTAL OF EIGHT INFILL HOUSES IN COLLBORATION WITH SAN ANTONIO AFFORDABLE HOUSING, INC.

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WHEREAS, the City of San Antonio is partnering with **New Leaf Homes** to build infill single-family housing in the Wheatly area of the EastPoint Promise Zone and the City has set aside $300,000.00 in Certificates of Obligation for new sidewalks; and

WHEREAS, funds will be provided to **New Leaf Homes** for installation of sidewalks in its Katy Way Subdivision which is located at the northwest corner of St. Hedwig Road and Foster Road; and

WHEREAS, this is the first phase of the subdivision which will include 88 new homes; and

WHEREAS, this Ordinance authorizes the execution of a Developer Participation Agreement with **New Leaf Homes** and authorizes payment of $300,000.00 to build sidewalks and amends the Developer Agreement to add up to six additional San Antonio Affordable Housing or City owned lots located in District 2; and

WHEREAS, as part of the agreement, **New Leaf Homes** will build affordable infill housing units in the Wheatley area and for every ten homes built at Katy Way Subdivision, New Leaf Homes will build one home in the Wheatley area for a total of 8 homes. The infill housing will be built on San Antonio Affordable Housing, Inc. (SAAH) owned lots and will be financed and built by the developer and **New Leaf Homes** will market these new infill homes for $120,000.00 or less; and

WHEREAS, New Leaf Homes will begin with two SAAH owned lots located at 127 and 131 Gabriel Street that were acquired in 2015 and the remaining six homes will be built on City owned lots for a total of eight homes; and

WHEREAS, once the home is built and if the developer is unable to sell the home within twelve months, **New Leaf Homes** agrees to donate the home to SAAH. One donated home will be counted as two infill homes toward the developer's commitment of 8 infill homes; and

WHEREAS, the agreement authorizes the Director of Transportation and Capital Improvements to amend the Developer Agreement in order to add up to six additional SAAH or City owned lots; and

WHEREAS, this is a one-time capital improvement expenditure in the amount of $300,000.00 payable to **New Leaf Homes** from Certificates of Obligation in the 2016 sidewalk Infrastructure Maintenance Program and payable to New Leaf homes on a reimbursement basis; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, is authorized to execute a Developer Participation Contract with **New Leaf Homes** in the amount not to exceed $300,000.00 for infill housing and sidewalks.

SECTION 2. Amending the Developer Agreement to add up to six additional San Antonio Housing or City owned lots located in Council District 2.

SECTION 3. The Contract must be executed within 90 days of signing of this Ordinance; if the parties are not able to finalize within 90 days, the Agreement must be considered through a subsequent Ordinance. Should an Agreement be negotiated which substantially varies from the terms of the attached Agreement, the Agreement must be considered through a subsequent Ordinance.

SECTION 4. Payment in the amount of $300,000.00 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 23-01472, FY 2016 Sidewalks, is authorized to be encumbered and made payable to **New Leaf Homes,** to build infill housing and sidewalks. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, Certificates of Obligation in accordance with the adopted capital budget. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager, or the City Manager's designee, correct allocation 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 6. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this **14th** day of **April , 2016.**

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**10**
Date:	04/14/2016
Time:	09:27:25 AM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing the execution of a Developer Participation Agreement with New Leaf Homes whereby the City provides up to $300,000.00 for New Leaf Homes to build sidewalks in a developing subdivision located in District 2; and requiring New Leaf Homes to build a total of eight infill houses in the Wheatley area in collaboration with San Antonio Affordable Housing, Inc. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				x
Alan Warrick	District 2		x			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				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				