

AN ORDINANCE 2011-05-12-0379

AUTHORIZING AN AMENDMENT TO THE CAPITAL FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION.

* * * * *

WHEREAS, on June 17, 2010, City Council approved a Capital Funding Agreement with the HemisFair Park Area Redevelopment Corporation (HPARC); and

WHEREAS, the agreement authorized HPARC to utilize \$3,272,874.71 in 2007 bond funds and 2008 certificates of obligation for improvements to HemisFair Park for the following purposes: Expenses incurred in support of the development of the Master Plan, including legal fees; Construction, design and other expenditures associated with any additional projects that qualify for an eligible use of bond funding and certificates of obligation as detailed in plans and approved by City's Designated Representative; and

WHEREAS, since its approval, HPARC has hired a Chief Executive Officer to lead the redevelopment effort of HemisFair Park; and

WHEREAS, under the existing agreement, personnel costs, salaries, or wages are not eligible expenses; and

WHEREAS, the proposed amendment would allow for the reimbursement of personnel costs, salaries or wages paid directly provided that they are in support of the master plan or other projects that qualify as eligible bond funded projects; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee is hereby authorized to execute an amendment to the Capital Funding Agreement between the City of San Antonio and the HemisFair Park Area Redevelopment Corporation. A copy of the amendment in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. 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 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.

SW/mgc
05/12/11
Item# 17

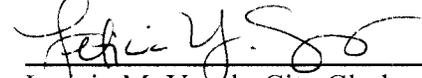
SECTION 3. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 12th day of May, 2011.



M A Y O R
Julián Castro

ATTEST:

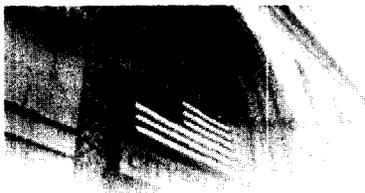


for Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 17

| Name: | 6, 9, 10, 11, 12, 16, 17, 20, 21, 23A, 23B, 24, 26A, 26B, 27, 28, 29, 30 | | | | | | |
|------------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| Date: | 05/12/2011 | | | | | | |
| Time: | 10:52:02 AM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | An Ordinance authorizing an amendment to the Capital Funding Agreement between the City of San Antonio and the HemisFair Park Area Redevelopment Corporation. [Pat DiGiovanni, Deputy City Manager, Center City Development] | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Julián Castro | Mayor | | x | | | | |
| Mary Alice P. Cisneros | District 1 | | x | | | x | |
| Ivy R. Taylor | District 2 | | x | | | | |
| Jennifer V. Ramos | District 3 | | x | | | | |
| Philip A. Cortez | District 4 | | x | | | | |
| David Medina Jr. | District 5 | | x | | | | |
| Ray Lopez | District 6 | | x | | | | |
| Justin Rodriguez | District 7 | | x | | | | |
| W. Reed Williams | District 8 | | x | | | | |
| Elisa Chan | District 9 | | x | | | | x |
| John G. Clamp | District 10 | | x | | | | |

STATE OF TEXAS §
§ AMENDMENT NO. 1 TO FUNDING AGREEMENT
COUNTY OF BEXAR §

This Amendment No. 1 to Funding Agreement is hereby made and entered into by and between the CITY OF SAN ANTONIO (hereinafter referred to as "City"), a Texas municipal corporation, acting by and through its City Manager pursuant to Ordinance No. _____ dated _____, and HemisFair Park Area Redevelopment Corporation, a Texas Local Government Corporation authorized under chapter 431 of the Texas Transportation Code (hereinafter referred to as "Grantee"), acting by and through its officers, hereto duly authorized.

WHEREAS, City and Grantee entered into a Funding Agreement authorized by Ordinance No. 2010-06-24-0622 ("Funding Agreement") which granted to Grantee \$3,272,874.71 for use in capital improvements to HemisFair Park; and

WHEREAS, Grantee was created City by Resolution 2009 -08-13-0025R to "assist with planning developing, constructing, managing and financing projects within HemisFair Park and its surrounding area"; and

NOW THEREFORE, the Parties hereto severally and collectively agree, and by the execution hereof are bound, to the amendments to the Funding Agreement. hereinafter described.

1. **Article V, section 5.02 is amended by the deletion of the first bulleted item which currently reads as follows:** "Personnel costs, salaries or wages paid directly by Grantee to its employees." Personnel costs, salaries or wages paid directly by Grantee are now eligible expenses for reimbursement under this Funding Agreement, provided that they are in support of the projects authorized under section 5.01.
2. All other terms and conditions of the Funding Agreement remain unchanged and continue in full force and effect.

EXECUTED IN DUPLICATE ORIGINALS, each of which shall have the full force and effect of an original this the ___ day of _____, 20__.

CITY OF SAN ANTONIO

**HEMISFAIR PARK AREA
REDEVELOPMENT CORPORATION**

By: _____
Sheryl Sculley
City Manager

By: _____

ATTEST: _____
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY