

AN ORDINANCE 2010-05-13-0432

APPROPRIATING \$41,781.02 TO CONSTRUCT A KOREAN MONUMENT TO BE BUILT AT DENMAN ESTATE PARK; AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE UNIVERSITY OF THE INCARNATE WORD (UIW), THE CITY OF GWANGJU, KOREA AND THE CONSTRUCTION DEVELOPMENT COMMITTEE, FUNDED BY UNIFIED DEVELOPMENT CODE (UDC) FEES IN LIEU OF PARKLAND DEDICATION AND THE INTERNATIONAL AFFAIRS' HOTEL OCCUPANCY TAX FUND.

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WHEREAS, the City of San Antonio has been in discussions regarding accepting the donation of a traditional Korean pavilion as a monument to be constructed within the city limits from the City of Gwangju, South Korea, a sister city, since 1981; and

WHEREAS, this Ordinance authorizes the appropriation of \$36,781.02 from revenues collected from the Unified Development Code (UDC) fees in lieu of parkland dedication to the Denman Estate Park Korean Monument Project; and

WHEREAS, in conjunction with this project, the City is proposing to enter into a Memorandum of Understanding regarding the roles of each stakeholder; and

WHEREAS, the City of Gwangju, through their contractor, will construct and install a monument and provide long-term non-routine maintenance; and

WHEREAS, the University of the Incarnate Word (UIW), as outlined in the 2007 Joint Use Agreement between UIW and the City of San Antonio, is responsible for the maintenance at Denman Estate Park, for routine maintenance of the monument, and for housing the craftsmen during its construction; and

WHEREAS, the Construction Development Committee will ensure that the contractors complete the project as approved and will play an intermediary role between the other parties; and

WHEREAS, the City of San Antonio will reimburse the Construction Development Committee up to \$20,244.01 for the cost of the rental of a crane and crane operator and \$16,537.01 for associated fees for the project; and

WHEREAS, International Affairs will provide \$5,000.00 toward lodging; **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 Department or his designee, is authorized to execute a Memorandum of Understanding (MOU) with

the University of the Incarnate Word (UIW), the City of Gwangju, Korea and the Construction Development Committee, committing the City to expend \$41,781.02 in support of the construction of a Korean Monument to be built at Denman Estate Park. A copy of the Memorandum of Understanding is attached hereto and incorporated herein for all purposes as **Attachments I**.

SECTION 2. The amount of \$2,104.00 is appropriated in SAP Fund 29088008, Park Acquisition Crystal Hills #6, SAP Internal Order # 226000000350, SAP GL account 6102100 – Interfund Transfer out entitled From 29088008 to 26-00582-90-01. The amount of \$2,104.00 is authorized to be transferred to SAP Fund 40099000.

SECTION 3. The amount of \$10,890.77 is appropriated in SAP Fund 29088056, Snowden Apartment, SAP Internal Order # 226000000397, SAP GL account 6102100 – Interfund Transfer out entitled From 29088056 to 26-00582-90-02. The amount of \$10,890.77 is authorized to be transferred to SAP Fund 40099000.

SECTION 4. The amount of \$23,786.25 is appropriated in SAP Fund 29088103, Garden at the Summit Plat 0607, SAP Internal Order # 226000000461, SAP GL account 6102100 – Interfund Transfer out entitled From 29088103 to 26-00582-90-03. The amount of \$23,786.25 is authorized to be transferred to SAP Fund 40099000.

SECTION 5. The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 26-00582, Denman Monument, shall be revised by increasing SAP WBS Element 26-00582-90-01 entitled Transfer from I/O# 226000000350, SAP GL Account 6101100 – Interfund Transfer In, by the amount of \$2,104.00.

SECTION 6. The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 26-00582, Denman Monument, shall be revised by increasing SAP WBS Element 26-00582-90-02 entitled Transfer from I/O# 226000000397, SAP GL Account 6101100 – Interfund Transfer In, by the amount of \$10,890.77.

SECTION 7. The budget in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 26-00582, Denman Monument, shall be revised by increasing SAP WBS Element 26-00582-90-03 entitled Transfer from I/O# 226000000461, SAP GL Account 6101100 – Interfund Transfer In, by the amount of \$23,786.25.

SECTION 8. The amount of \$36,781.02 is appropriated in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 26-00582, Denman Monument, SAP WBS Element 26-00582-05-08, entitled City Construction, SAP GL Account 5201040.

SECTION 9. Payment in the amount not to exceed \$36,781.02 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 26-00582, Denman Monument, is authorized and should be encumbered with a purchase order.

SECTION 10. Funding in the amount of \$5,000.00 for this ordinance is available in SAP Fund 29006000, Cost Center 1404010001, General Ledger 5207010, as part of the Fiscal Year 2010 Budget.

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SECTION 11. Payment not to exceed the budgeted amount up to \$5,000.00 in SAP Fund 29006000 is authorized and should be encumbered with a purchase order for lodging expenses.

SECTION 12. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

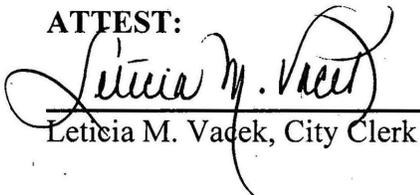
SECTION 13. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 13th day of May, 2010.



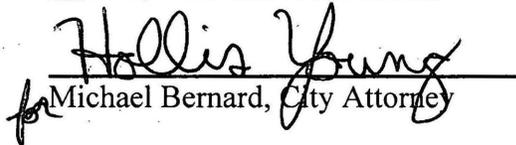
M A Y O R
Julián Castro

ATTEST:

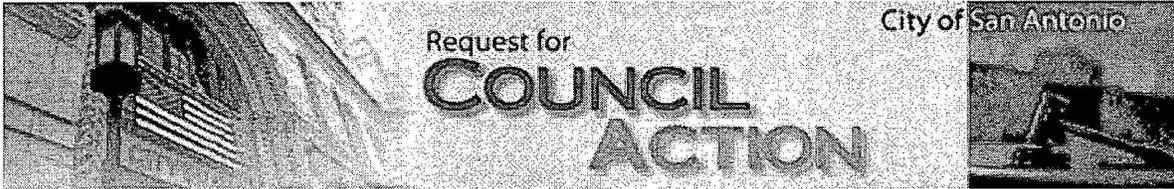


Leticia M. Vadek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney



Agenda Voting Results - 33

Name:	10, 11, 14, 16, 17, 20, 21, 22, 23, 24, 25, 26A, 26B, 26C, 26D, 26E, 26G, 29, 31, 32, 33, 34, 35, 37
Date:	05/13/2010
Time:	02:35:58 PM
Vote Type:	Motion to Approve
Description:	An Ordinance appropriating \$41,781.02 to construct a Korean Monument to be built at Denman Estates Park; and authorizing a Memorandum of Understanding (MOU) with the University of the Incarnate Word (UIW), the City of Gwangju, Korea and the Construction Development Committee, funded by Unified Development Code (UDC) fees in lieu of parkland dedication and the International Affairs' Hotel Occupancy Tax Fund. [Sharon De La Garza, Assistant City Manager; Xavier Urrutia, Director, Parks & Recreation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1	x					
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				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				
John G. Clamp	District 10		x				

**Memorandum of Understanding between the Construction Development Committee,
University of Incarnate Word, City of San Antonio and the Gwangju Metropolitan City
for the Construction of a Traditional Korean Pavilion**

The Construction Development Committee, University of Incarnate Word ("UIW"), Gwangju Metropolitan City ("Gwangju") and City of San Antonio ("City"), collectively referred to as the Parties, are entering into the following Memorandum of Understanding concerning the Construction of a Traditional Korean Pavilion ("Pavilion") to promote friendly relations between the sister cities and the sharing of Korean culture in America.

Gwangju (including Namkwang Construction and other contractors that Gwangju may employ in connection with the construction and installation of the Pavilion) will:

1. Construct, deliver and install the Pavilion at its cost and donate it to the City of San Antonio
2. Submit design of the Pavilion to City and UIW prior to the construction or delivery of the Pavilion
3. Provide long term maintenance of the Pavilion (excluding daily and routine maintenance provided by UIW, as outlined below), including annual inspection, painting and/or sealing, repair and replacement of the pavilion components, and structural and capital repairs/replacements
4. Send a high-level civic and business delegation to preside over the Pavilion ribbon-cutting in spring 2010.

The City of San Antonio will:

1. Provide a building site, subject to the approval of UIW, for the placement of the Pavilion
2. Provide reimbursement to the Construction Development Committee in the amount of \$20,244.01 for the costs associated with the rental of a crane and crane operator or other appropriate equipment within Denman Park to facilitate the placement of Pavilion component pieces, on a schedule that is acceptable to the Parties. Reimbursement of crane and crane operator costs in excess of \$20,244.01 would be subject to the prior review and approval of City.
3. Coordinate the provision of accommodations for a delegation of up to 18 craftsmen from Korea for a period of 2 months through private funding and, as needed, City contributions

UIW will:

1. As outlined in the Joint Use and Maintenance License Agreement between City and UIW, approved through City of San Antonio Ordinance 2007-09-06-0930, UIW will provide maintenance as set out therein; however, UIW will not make any repairs or modifications to the Pavilion that change its appearance.

The Construction Development Committee will:

1. Perform an intermediary role between the City and Gwangju, and manage an efficient budget and accurate accounting for the construction of the Pavilion and other project costs.

2. Ensure that its contractors provide evidence of insurance and performance and payment bonds (or a Letter of Credit in lieu of performance and payment bonds) as required by the City of San Antonio)
3. Secure and provide copies to the City of all necessary construction permits

This Memorandum of Understanding will be in effect with the execution by the Parties and, with regard to the maintenance obligations, continue in effect until modified or terminated by agreement of the Parties.

Gwangju Metropolitan City

By: _____
PARK, Kwang-Tae, Mayor

Date: _____

City of San Antonio

By: _____
Sheryl Sculley, City Manager

Date: _____

University of Incarnate Word

By: _____
Dr. Louis Agnese, Jr, President

Date: _____

Construction Development Committee

By: _____

Date: _____