

AN ORDINANCE **2017-02-23-0102**

**AUTHORIZING AN AMENDMENT TO THE AGREEMENT TO USE FUNDS WITH HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION (“HPARC”) TO PROVIDE AN INCREASE IN THE CONTRACT AMOUNT OF \$160,000.00 FOR THE ASSISTANCE OF HPARC STAFF IN PLANNING, DEVELOPING, CONSTRUCTING, AND MANAGING THE CIVIC PARK-UTILITY INFRASTRUCTURE PROJECT.**

\* \* \* \* \*

**WHEREAS**, in May 2012, San Antonio voters approved the 2012 - 2017 Bond Program (the “Program”), consisting of five propositions totaling \$596 million; and

**WHEREAS**, as part of the Program, funds in an amount totaling \$15,000,000.00 were included in the Parks, Recreation and Open Space Improvements proposition for improvements at Hemisfair, including the design of Civic Park; and

**WHEREAS**, HPARC project management staff supported capital projects at Hemisfair related to the 2007 and 2012 Bond Programs; and

**WHEREAS**, the City desires to again engage HPARC staff to provide oversight, expertise and coordination with TCI staff for bond capital projects at Hemisfair; and

**WHEREAS**, HPARC will dedicate a project manager to the Civic Park project to ensure coordination across all Hemisfair area projects such as streets, parks and public-private partnerships, and consistent with past practice, the City desires to reimburse HPARC for staff time worked on Civic Park; **NOW THEREFORE:**

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

**SECTION 1.** The terms and conditions of an amendment to the Agreement to Use Funds with the Hemisfair Park Area Redevelopment Corporation are hereby approved. The City Manager, or her designee, is authorized to execute said amendment a copy of which, in substantially final form, is attached as **Exhibit A**.

**SECTION 2.** Payment in the amount not to exceed \$160,000.00 in 40099000, Other Capital Projects, SAP Project Definition 23-03746, Hemisfair Park Phase 2, is authorized to be encumbered and made payable to Hemisfair Park Area Redevelopment Corporation (HPARC) for HPARC staff’s project assistance with planning, developing, constructing, and managing the project.

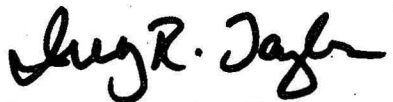
**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific SAP Fund Numbers,

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02/23/17  
Item No. 9C

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 4.** This Ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

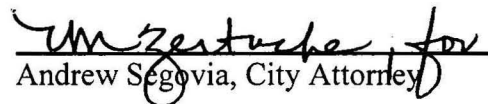
**PASSED AND APPROVED** this 23<sup>rd</sup> day of February, 2017.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney

|                     |  |                    |            |            |                |               |               |
|---------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Agenda Item:</b> | 9C ( in consent vote: 4, 5, 6, 9A, 9B, 9C, 11, 12, 14, 15, 16A, 16B, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27 )  |                    |            |            |                |               |               |
| <b>Date:</b>        | 02/23/2017   |                    |            |            |                |               |               |
| <b>Time:</b>        | 09:31:13 AM  |                    |            |            |                |               |               |
| <b>Vote Type:</b>   | Motion to Approve  |                    |            |            |                |               |               |
| <b>Description:</b> | An Ordinance for Hemisfair Park: Civic Park Utility Infrastructure Project, a Certificates of Obligation funded project, authorizing an amendment to the Agreement to Use Funds with Hemisfair Park Area Redevelopment Corporation, payable to HPARC in the amount up to \$160,000.00 for HPARC staff's project assistance with planning, developing, constructing, and managing the project, located in Council District 1. |                    |            |            |                |               |               |
| <b>Result:</b>      | Passed   |                    |            |            |                |               |               |
| <b>Voter</b>        | <b>Group</b>   | <b>Not Present</b> | <b>Yea</b> | <b>Nay</b> | <b>Abstain</b> | <b>Motion</b> | <b>Second</b> |
| Ivy R. Taylor       | Mayor  |                    | x          |            |                |               |               |
| Roberto C. Treviño  | District 1   |                    | x          |            |                |               | x             |
| Alan Warrick        | District 2   |                    | 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          |            |                | x             |               |

# **EXHIBIT A**

**AMENDMENT TO THE AGREEMENT TO USE FUNDS**

**BETWEEN**

**THE CITY OF SAN ANTONIO AND THE HEMISFAIR PARK AREA  
REDEVELOPMENT CORPORATION**

This Amendment to the Agreement to Use Funds (this "AMENDMENT") is entered into by and between the City of San Antonio ("CITY"), a municipal corporation governed by the laws of the State of Texas and the Hemisfair Park Area Redevelopment Corporation ("HPARC"), a Texas local government corporation as defined under Chapter 431 of the Texas Transportation Code. Together, CITY and Consultant may be referred to, herein, as "the Parties."

**RECITALS**

- A. CITY and HPARC entered into that certain Agreement to Use Funds (the "Agreement") authorized under City Ordinance 2016-06-30-0530.
- B. Prior to this Amendment, the Agreement was in full effect and HPARC was in compliance with all terms and conditions of the Agreement.
- C. The Parties, now seek to amend the terms and conditions of the Agreement as stated in this Amendment and affirm that all other provisions of the Agreement remain in full force and effect.

**AMENDMENT**

NOW THEREFORE, the Parties hereby agree and amend as follows:

- 1. Definitions. All capitalized terms used in this Amendment without definition herein shall have the meanings assigned to such terms in the Agreement.
- 2. Amendment. The Parties hereby mutually agree to amend the Agreement as follows:
  - (A) Section 3.01 shall be amended by increasing the funded amount of ONE MILLION SIX HUNDRED EIGHTY-SEVEN THOUSAND DOLLARS AND 0 CENTS (\$1,687,000.00) by ONE HUNDRED SIXTY THOUSAND DOLLARS AND 0 CENTS (\$160,000.00) for a cumulative amount of ONE MILLION EIGHT HUNDRED FORTY-SEVEN THOUSAND DOLLARS AND 0 CENTS (\$1,847,000.00).
  - (B) The increased amount represents consideration for HPARC construction management staff to continue to provide oversight, expertise and coordination with TCI staff for bond capital projects at Hemisfair. HPARC will dedicate a project manager to this project to ensure coordination across all Hemisfair area projects such as streets, parks and P3s.
- 3. Effective Date. This Amendment shall be effective upon its execution by the Parties.

4. No Other Changes. Except as specifically set forth in this Amendment, all of the terms and conditions of the Agreement shall remain the same and are hereby ratified and confirmed. The Agreement shall continue in full force and effect and with this Amendment shall be read and construed as one instrument.
5. Choice of Law. This Amendment shall be construed in accordance with and governed by the laws of the State of Texas.
6. Counterparts. This Amendment may be executed in any number of counterparts, but all such counterparts shall together constitute but one instrument. In making proof of this Amendment it shall not be necessary to produce or account for more than one counterpart signed by each party hereto by and against which enforcement hereof is sought.

**WITNESS HEREOF**, the parties hereto have executed in duplicate originals this Amendment on the \_\_\_\_ day of \_\_\_\_\_ 2017.

**CITY OF SAN ANTONIO**

**HEMISFAIR PARK AREA  
REDEVELOPMENT  
CORPORATION**

a municipal corporation

a Texas local government corporation

\_\_\_\_\_  
Sheryl L. Sculley  
City Manager

\_\_\_\_\_  
Name:  
Title:

ATTEST:

ATTEST (if necessary):

\_\_\_\_\_  
Leticia Vacek  
City Clerk

\_\_\_\_\_  
Name:  
Title:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney