

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING THE ASSIGNMENT FROM SPORTSAMERICA, INC. TO NORTHEAST INDEPENDENT SCHOOL DISTRICT (NEISD) OF A LEASE AGREEMENT FOR AN INITIAL TERM OF TWENTY-FIVE (25) YEARS FOR THE OPERATION OF TIME WARNER CABLE PARK IN COUNCIL DISTRICT 10 AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AMENDMENT OF THE LEASE AGREEMENT TO EFFECTUATE THE FULL TRANSFER OF ALL OPERATIONS AND LEASEHOLD INTERESTS OF THE SPORTS COMPLEX TO NEISD; NO CITY FUNDS ARE ASSOCIATED WITH THIS ACTION.**

\* \* \* \* \*

**WHEREAS**, in August 1990, the City leased a 45.822 acre tract of land near the northeast corner of McAllister Park on Wetmore Road to SportsAmerica, Inc. for an initial term of twenty-five years for the purpose of developing and managing a sports complex currently identified as Time Warner Cable Park; and

**WHEREAS**, the City only provided property for the tenant funded improvements at the private-for-profit operated sports complex; and

**WHEREAS**, the Lease Agreement was amended in 1991 to expand the premises to 56.685 acres, and was subsequently amended in support of improvements and extended the term through May 24, 2026; and

**WHEREAS**, the North East Independent School District (NEISD) informed the City regarding the proposed purchase of improvements at the sports complex from SportsAmerica, Inc. as allowed under the existing agreement with the intent to assume full operations on a permanent basis under the assignment of the leasehold interest from SportsAmerica, Inc.; and

**WHEREAS**, to meet the needs of the school district and enhance the recreational offerings to the community, NEISD intends to make initial improvements of \$8 - \$10 million to the sports complex through the school district bond program and general operating budget including heating the existing pool and establishing shade over sports fields; and

**WHEREAS**, NEISD secured an earnest money contract for the purchase of the improvements from SportsAmerica, Inc. which expires September 28, 2015; and

**WHEREAS**, as a governmental entity serving a public purpose, NEISD requires a fully amended contract reflecting a modified contractual relationship with the City; and

**WHEREAS**, as a result, the proposed modified agreement has a term of twenty-five years with one renewal option of the same length, and NEISD will be solely responsible for all operational, maintenance, and improvement costs of the premises; and

**WHEREAS**, the sports complex will be open to the public when not in use by the school district for its own activities; **NOW THEREFORE:**

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

**SECTION 1.** The assignment of a lease agreement from SportsAmerica, Inc. to Northeast Independent School District (NEISD) is hereby approved.

**SECTION 2.** The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee, is authorized to execute an amended lease agreement for an initial term of twenty-five years for the operation of Time Warner Cable Park in Council District 10. A copy of the amended lease agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 3.** The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee is further authorized execute any and all necessary documents to effectuate the full transfer of all operations and leasehold interests of the sports complex to NEISD.

**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 is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_.

**M A Y O R**  
**Ivy R. Taylor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

\_\_\_\_\_  
Martha G. Sepeda, Acting City Attorney