

ORDINANCE 2018-06-14-0456

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION (HPARC) TO INCREASE THE AGREEMENT BY \$1,318,566.00 FOR A REVISED TOTAL OF \$5,811,403.71 FOR CAPITAL MANAGEMENT OF HPARC RELATED PROJECTS.

* * * * *

WHEREAS, in 2009, City Council authorized the creation of HPARC to oversee the development and redevelopment of HemisFair Park and its surrounding area; and

WHEREAS, in 2010, City Council authorized the execution of a Funding Agreement (Agreement) with HPARC; and

WHEREAS, the Agreement has been amended three times to increase funding and to allow HPARC to become a 501 (c) 3; and

WHEREAS, the City's 2017-2022 Bond Program allocated \$5 million for Hemisfair Park Area Streets Ph. II, \$21 million for Hemisfair Civic Park, and \$9 million for South Alamo Street - Market to East Cesar Chavez; and

WHEREAS, this Ordinance authorizes the execution of an amendment in the amount of \$1,318,566.00 to the Agreement between the City of San Antonio and HPARC to reimburse HPARC for project management services associated with the construction of Hemisfair Civic Park Project, Hemisfair Park Internal Streets - Phase II, and South Alamo (Market to East Cesar Chavez); **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 a Funding Agreement with HPARC in an amount not to exceed \$1,318,566.00 for project management services for HPARC related projects, a copy of which is set out in **Exhibit 1.**

SECTION 2. Payment in the amount not to exceed \$676,425.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01670, Hemisfair Civic Park, is authorized to be encumbered and made payable to Hemisfair Park Area Redevelopment Corporation (HPARC), for project management services associated with the construction of Hemisfair Civic Park Project, Hemisfair Park Internal Streets - Phase II, and South Alamo (Market to East Cesar Chavez); each part of the 2017-2022 Bond Program. Payments for

services are contingent upon the availability of funds and the sale of future City of San Antonio, General Obligation Bonds 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 3. Payment in the amount not to exceed \$385,021.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01609, S Alamo (Market - E César E Chávez Blvd), is authorized to be encumbered and made payable to Hemisfair Park Area Redevelopment Corporation (HPARC), for project management services associated with the construction of Hemisfair Civic Park Project, Hemisfair Park Internal Streets - Phase II, and South Alamo (Market to East Cesar Chavez); each part of the 2017-2022 Bond Program. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, General Obligation Bonds 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 4. Payment in the amount not to exceed \$257,120.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01588, Hemisfair Park Streets Phase 2, is authorized to be encumbered and made payable to Hemisfair Park Area Redevelopment Corporation (HPARC), for project management services associated with the construction of Hemisfair Civic Park Project, Hemisfair Park Internal Streets - Phase II, and South Alamo (Market to East Cesar Chavez); each part of the 2017-2022 Bond Program. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, General Obligation Bonds 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 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 6. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective on the en days after passage.

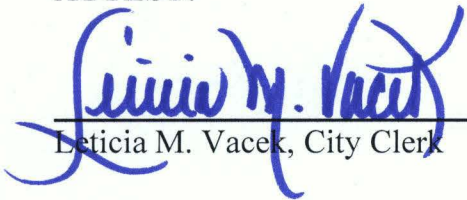
KRH
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PASSED and APPROVED this 14th day of June, 2018.



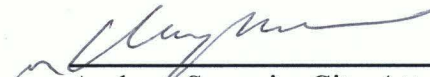
M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	31						
Date:	06/14/2018						
Time:	10:27:22 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending the existing Funding Agreement with Hemisfair Park Area Redevelopment Corporation to increase the agreement by \$1,318,566 for a total of \$5,811,403.71 for capital management of HPARC related projects located in Council District 1. [Lori Houston, Assistant City Manager, Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

KRH
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EXHIBIT 1

STATE OF TEXAS §
 § **AMENDMENT NO. 4 TO**
COUNTY OF BEXAR § **FUNDING AGREEMENT**

This Amendment No. 4 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, 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

WHEREAS, City and Grantee entered into a Funding Agreement authorized by Ordinance No. 2010-06-24-0622 (“Funding Agreement”) which granted to Grantee \$3,272,847.71 for use in capital improvements to HemisFair Park; and

WHEREAS, City and Grantee entered into Amendment No. 1 to the Funding Agreement authorized by Ordinance No. 2011-05-12-0379 (“Amendment No. 1”); and

WHEREAS, City and Grantee entered into Amendment No. 2 to the Funding Agreement authorized by Ordinance No. 2011-11-17-0960 (“Amendment No. 2”); and

WHEREAS, City and Grantee entered into Amendment No. 3 to the Funding Agreement authorized by Ordinance No. 2013-08-15-0538 (“Amendment No. 3”); and

WHEREAS, the San Antonio voters approved the City of San Antonio’s Proposed 2017-2022 Bond Program on Saturday, May 6, 2017 of which \$26 million was approved for HemisFair Park Area Streets and Park Improvements; and

WHEREAS, City and Grantee have agreed that Grantee will provide services in support of this project in exchange for \$1,318,566.00 in funding from these bond funds; and

WHEREAS, City and Grantee now wish to amend the Funding Agreement a fourth time in order to allow for Grantee to provide more services in support of HemisFair Projects funded by the 2017-2022 Bond Program and to increase the total amount of funding available under this Funding Agreement;

NOW THEREFORE, the Parties agree, and by the execution hereof are bound, to the following amendments to the Funding Agreement.

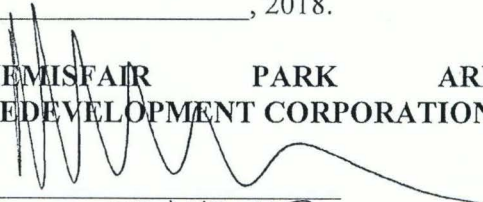
1. **Article II, is amended by the insertion of a new Section 2.11 which shall read as follows:** "2.11 Provided Grantee receives the funding described in this Agreement, Grantee hereby accepts full responsibility for the performance of all services and activities described in Scope of Services for the Hemisfair Projects funded by the 2017-2022 Bond Program as detailed in Attachment I to this Fourth Amendment."
2. **Article IV. Section 4.01** is amended to increase the total amount of reimbursement authorized to be paid to Grantee by the amount of \$1,318,566.00. The total amount reimbursed under this Funding Agreement shall not exceed \$5,811,413.71.
3. **Article V, Section 5.01, is amended by the insertion of a new bullet which shall read as follows:** "Expenses incurred in support of the Hemisfair Projects funded by the 2017-2022 Bond Program as detailed in Attachment I to the Fourth Amendment."
4. **Attachment I to this Fourth Amendment shall be incorporated into the Funding Agreement for all purposes.**
5. 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 _____, 2018.

CITY OF SAN ANTONIO

HEMISFAIR PARK AREA
REDEVELOPMENT CORPORATION

Sheryl Sculley
City Manager



Name ANDRES ANDUJAR
Title CEO

ATTEST: _____
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment 1

HPARC Funding Agreement

	FY17	FY18	FY19	FY20	FY21	TOTAL
1 Parks						
Civic Park	63,333	166,345	171,335	176,475	181,770	759,259
2 Complete Streets						
South Alamo Street	36,000	94,554	97,391	100,312	103,322	431,578
Hemisfair Boulevard	24,000	63,036	64,927	66,875	68,881	287,719
Subtotal by Fiscal Year	\$123,333	\$323,935	\$333,653	\$343,663	\$353,973	\$1,478,556
<i>(less funds received from \$18M bond)</i>	<i>(63,333)</i>	<i>(96,667)</i>				<i>(160,000)</i>
Annual HPARC Project Management Fee	\$59,999	\$227,268	\$333,653	\$343,663	\$353,973	1,318,556

Position	FY17	FY18	FY19	FY20	FY21
Senior Project Manager - Civic	33%	85%	85%	85%	85%
Park Senior Project Manager -	33%	85%	85%	85%	85%
Streets Real Estate Director	These positions are provided with no costs to the bond projects				
CEO					
TOTAL FTE Count	0.7	1.7	1.7	1.7	1.7