

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

ORDINANCE

AUTHORIZING A FUNDING AGREEMENT WITH HEB IN AN AMOUNT NOT TO EXCEED \$800,000.00 FOR THE ENGINEERING AND DESIGN IMPROVEMENTS TO FOSTER ROAD.

* * * * *

WHEREAS, Foster Road is adjacent to the HEB Distribution Center in City Council District 2, an area that was recently nominated by the City as an Enterprise Zone due to HEB's commitment to expand the Center; and

WHEREAS, HEB has requested to be allowed to commence engineering and design work on those improvements in order to expedite construction to coincide with the expansion of their distribution center; and

WHEREAS, HEB is willing to provide up-front funding for the engineering and design work for the segment of Foster Road that affects the distribution center (the "Project") and the City would reimburse HEB for the work either through a reimbursement of taxes paid up to \$800,000.00 or through the appropriation of funds in the 2019 and 2020 budget; **NOW THEREFORE**:

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

SECTION 1. The City Council approves the terms and conditions of a Funding Agreement with HEB.

SECTION 2. The City Manager or her designee is authorized to execute a Funding Agreement with HEB in accordance with this Ordinance. A copy of the Agreement, in substantially final form, is attached to this Ordinance as **Attachment I**. The final agreement shall be filed with this Ordinance upon execution.

SECTION 3. Payments for services are contingent upon the availability of funds for the City of San Antonio, 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 and are contingent upon the adoption of the proposed FY 2019 and FY 2020 Operating and/or Capital Budget and future fiscal years.

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.

SMB
06/21/18
Item No. _____

SECTION 5. 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 ___ day of June, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

DRAFT

SMB
06/21/18
Item No. _____

Attachment I

DRAFT