

AN ORDINANCE 2017-02-23-0100

AUTHORIZING A DONATION AGREEMENT WITH THE HEMISFAIR PARK AREA REDEVELOPMENT CORPORATION (HPARC) AND THE ACCEPTANCE OF \$140,000.00, FUNDED BY THE HEMISFAIR CONSERVANCY, FOR IMPROVEMENTS TO HEMISFAIR'S HISTORIC HOMES, LOCATED IN COUNCIL DISTRICT 1.

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WHEREAS, as established in the Hemisfair Master Plan previously approved by City Council, it is envisioned that Hemisfair will be comprised of three urban parks embraced by a vibrant and pedestrian oriented neighborhood, including the already-built Yanaguana Garden, Tower Park, and Civic Park, and located within these parks are several historic homes, each of which are in various states of repair and rehabilitation; and

WHEREAS, as part of the 2012-2017 Bond Program, funds totaling \$15,000,000.00 were approved by the voters in the Parks, Recreation, and Open Space Improvements Proposition for improvements at Hemisfair, including the restoration of historic homes (the "Project"); and

WHEREAS, the Hemisfair Conservancy was established to raise funds to enhance existing and new amenities in Hemisfair and towards this end, raised \$140,000.00 to be utilized by the City to supplement 2012-2017 Bond funds for the Project; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of a Donation Agreement with HPARC accepting \$140,000.00 for the restoration of one or more historic homes in the Hemisfair district are authorized and approved. The City Manager or her designee is authorized to execute the Agreement, a substantially final copy of which is attached to this Ordinance as **Exhibit I**.

SECTION 2. Funds are authorized to be received from HPARC to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00357, Hemisfair Park, and the budget shall be revised by increasing WBS element 40-00357-90-10-01, Contribution- HPARC and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$140,000.00.

SECTION 3. The amount of \$140,000.00 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00357, HemisFair Park, SAP WBS Element 40-00357-05-02-03, Construction-Historic Homes and SAP General Ledger 5201140 Construction Cost.

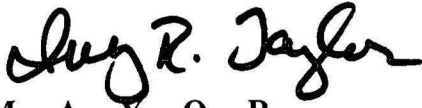
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the

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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 shall take effect immediately upon the receipt of eight affirmative votes; otherwise it shall be effective ten days after its passage.

PASSED AND APPROVED this 23rd day of February, 2017.

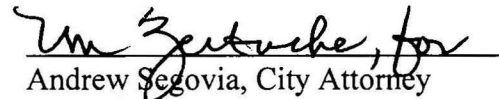

M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	9A (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)						
Date:	02/23/2017						
Time:	09:31:13 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the execution of a Donation Agreement with the Hemisfair Park Area Redevelopment Corporation and the acceptance of funds totaling \$140,000.00, funded by the Hemisfair Conservancy, for improvements to Hemisfair's historic homes, located in Council District 1.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
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 I

DONATION AGREEMENT

Through this Donation Agreement ("Agreement"), the Hemisfair Park Area Redevelopment Corporation ("HPARC") awards to the City of San Antonio ("City") a donation in the aggregate amount of \$140,000 ("Donation"). The Donation is payable to and will be used by the City as outlined in this Agreement. In furtherance of the Donation, the City and HPARC agree to the following:

1. DONATION PURPOSES; PAYMENT

HPARC agrees to provide and the City agrees to accept \$140,000 for the purpose of making improvements to Hemisfair's historic homes ("Project"). The funds will be provided to the City no later than March 31, 2017.

2. THE PROJECT

The City shall work with HPARC to determine the scope of the Project and shall use the funding provided under this Agreement for any Project-related purposes determined necessary by City and HPARC.

3. TERM

The term of this Agreement commences January 25, 2017 and will terminate upon final completion of the Project, unless terminated sooner under this Agreement.

4. TIMELINE AND PROJECT CHANGES

Following receipt of funding under this Agreement, the City will provide HPARC with a preliminary timeline for work related to the Project. The City will notify HPARC of any changes to the Project timeline or scope.

5. PARTY REPRESENTATIONS

Each party represents to the other that it has the requisite authority to enter into this Agreement and to perform its obligations and that none of the foregoing actions will conflict with or constitute on its part a breach of or default under any applicable law, court or administrative decision, regulation, decree, order, agreement, mortgage, lease, or instrument to which it is a party or is otherwise governed. In addition, the parties are not, to the best of their knowledge, aware of any applicable Texas law that would impair their ability to enter into and perform its obligations under this Agreement.

6. LIABILITY

Each party shall be responsible for its own actions and those of its employees and/or persons acting by or on its behalf arising from such activities while carrying out the purpose and objectives of this Agreement.

Each party agrees to have sufficient insurance or sureties to cover the obligations assumed under this Agreement arising from accomplishment of those obligations.

HPARC understands and acknowledges that City is a political subdivision of the State of Texas and is subject to, and complies with the applicable provisions of the Texas Tort Claim Act, as set out in the Civil Practice and Remedies Code, Section 101.001, et. seq., and the remedies authorized therein regarding claims or causes of action that may be asserted by third parties for accident, injury or death.

7. AMENDMENTS

This Agreement may only be amended or supplemented in writing and executed by the Parties. The City Manager is authorized to execute any amendments, unless they require financial obligations on the part of the City, in which case the approval of City Council may be required.

8. GOVERNING LAW

This Agreement is governed by the laws of the State of Texas and is enforceable in Bexar County, Texas. Venue for any action resulting from this Agreement shall be in the courts of Bexar County, Texas.

9. MISCELLANEOUS

This Agreement may be executed in several counterparts, each of which will be regarded as an original and all of which constitute one and the same agreement. This Agreement represents the entire agreement of its subject matter and is made solely for the benefit of its parties. The obligations of the parties made under this Agreement represent obligations of each respective entity and no personal liability of any principal, representative, director, donor, or employee of any entity will arise as a result of this Agreement.

This Agreement is entered into by the Parties to be effective the 25th day of January, 2017.

CITY OF SAN ANTONIO

**HEMISFAIR PARK AREA
REDEVELOPMENT CORPORATION**

Lori Houston
Assistant City Manager

Andres Andujar
Chief Executive Officer

APPROVED AS TO FORM

City Attorney