

ORDINANCE 2020-04-23-0281

AUTHORIZING EXECUTION OF AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH THE SAN ANTONIO PARKS FOUNDATION FOR AN ADDITIONAL COMMITMENT OF \$110,000.00 IN TIRZ FUNDING FOR THE MAVERICK DOG PARK PROJECT LOCATED AT 1000 BROADWAY, SAN ANTONIO, TEXAS, IN COUNCIL DISTRICT 1, AND THE MIDTOWN TIRZ; AND AUTHORIZING THE APPROPRIATION AND AMENDING OF THE FY 2020-2025 CAPITAL IMPROVEMENTS PROGRAM BUDGET WITH THESE FUNDS FOR THE CONSTRUCTION OF PARK IMPROVEMENTS AT MAVERICK PARK.

* * * * *

WHEREAS, the City of San Antonio ("City") and the Midtown TIRZ Board of Directors ("Board") support programs which allow for economic development within its boundaries; and

WHEREAS, on January 28, 2016 through Ordinance No. 2016-01-28-0017, the San Antonio Parks Foundation ("SAPF") and the Midtown TIRZ entered into a funding agreement for the Maverick Dog Park ("Project") in the amount of \$50,000.00 to undertake public improvement efforts related to converting Maverick Park into a dog park, located at 1000 Broadway, in Council District 1; and

WHEREAS, due to changes to the scope of the Project the SAPF requested additional funding in the amount of \$110,000.00 for a total of up to \$160,000.00; and

WHEREAS, in accordance with Section 311.010 (b) of the Act, the Board is authorized to enter into agreements to dedicate revenue from the tax increment fund to pay for eligible project costs related to the construction of public infrastructure and eligible project costs that benefit the TIRZ; and

WHEREAS, on September 13, 2019, the Board approved a First Amendment to the existing Development Agreement with the SAPF for the Maverick Dog Park Project for an additional \$110,000.00 in TIRZ funding, for a total amount not to exceed \$160,000.00; and

WHEREAS, it is now necessary for the City Council to approve the First Amendment to the Development Agreement between the San Antonio Parks Foundation and the Board of Directors for TIRZ #31 and to authorize appropriation and amending of the FY 2020-2025 Capital Improvements Program Budget with these funds for the park improvements; **NOW THEREFORE:**

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

SECTION 1. The terms and conditions of a First Amendment to the Development Agreement with the San Antonio Parks Foundation is hereby approved. A copy of the Agreement, in substantial final form, is attached to this Ordinance as **Exhibit A**.

SECTION 2. The appropriation and amending of the FY 2020-2025 Capital Improvements Program Budget with these additional funds is hereby approved.

SECTION 3. The City Manager or designee is hereby authorized to execute a First Amendment to the Development Agreement which has been incorporated into this Ordinance for all purposes.


SECTION 4. This Ordinance authorizes an additional commitment of \$110,000.00, for a total amount not to exceed \$160,000.00, in reimbursable tax increment funding from the Midtown TIRZ Tax Increment Fund to the San Antonio Parks Foundation to facilitate public improvement efforts related to the Maverick Dog Park Project located at 1000 Broadway, in Council District 1, within the Midtown TIRZ.

SECTION 5. An amendment to the Development agreement between the San Antonio Parks Foundation and the Midtown Board of Directors of Reinvestment Zone #31 is authorized, granting an additional \$110,000.00, for a total up to \$160,000.00 in reimbursable funds from the Midtown Tax Increment Reinvestment Zone (TIRZ) #31 fund to SAP Fund 45099000 General Obligation Capital Projects, SAP Project Definition 23-01990 Downtown Parks - Maverick Park, and the budget shall be revised by increasing WBS element 23-01660-90-14-01 and SAP General Ledger 6101100 in the amount of \$160,000.00.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

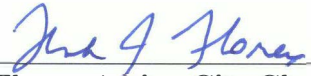
SECTION 7. This Ordinance shall be effective immediate upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 23th day of April, 2020.


M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:


Tina Flores, Acting City Clerk


Andrew Segovia, City Attorney



City of San Antonio

City Council

April 23, 2020

Item: 9B

File Number: 20-2812

Enactment Number:

2020-04-23-0281

Ordinance approving a First Amendment to the Development Agreement between the San Antonio Parks Foundation and the Midtown Board of Directors of Reinvestment Zone #31, granting an additional \$110,000.00, for a total up to \$160,000.00 in reimbursable funds from the Midtown Tax Increment Reinvestment Zone (TIRZ) #31 fund; and, approving the appropriation and amending of the FY 2020 - 2025 Capital Improvements Program Budget with these funds for the construction of park improvements at Maverick Park.

Councilmember John Courage made a motion to approve. Councilmember Roberto C. Treviño seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

VR
04/23/20
Item No. 9B

EXHIBIT A

**FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN
THE SAN ANTONIO PARKS FOUNDATION AND THE BOARD OF
DIRECTORS OF REINVESTMENT ZONE NUMBER THIRTY-ONE, SAN
ANTONIO, TEXAS**

FOR VALUE RECEIVED, the receipt and sufficiency of which is acknowledged, this First Amendment to the Development Agreement ("First Amendment") is entered into by and between the City of San Antonio ("City"), a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance _____, and the Board of Directors for the Tax Increment Reinvestment Zone Number Thirty-One City of San Antonio, Texas, known as the Midtown TIRZ ("Board"), together referred as the "Parties."

RECITALS

WHEREAS, City and Board entered into a Development Agreement (the "Agreement") authorized by City of San Antonio Ordinance No. 2016-01-28-0017, passed and approved on January 28, 2016, and attached hereto as EXHIBIT A.

WHEREAS, the Parties now seek to amend the terms and conditions of the Agreement in order to increase the funding commitment for the Project.

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

1. The Parties mutually agree to amend the following sections of the Agreement:

(A) The Introductory Paragraph on Page 1 of the agreement is deleted in its entirety and replaced with the following:

This Development Agreement ("Agreement") is entered into by and between the City of San Antonio ("City"), a Texas municipal corporation in Bexar County, Texas, acting by and through its City Manager pursuant to Ordinance No. 2016-01-28-0017, and subsequently amended pursuant to Ordinance No. _____, and the Board of Directors for Tax Increment Reinvestment Zone Number Thirty-One City of San Antonio, Texas, known as the Midtown TIRZ ("Board"), together referred as the "Parties".

(B) The **BACKGROUND** section on Page 1 of the agreement is amended by adding a ninth and tenth paragraph as follows:

WHEREAS, due to the changes in the scope of work the SAPF has requested additional funding for the Project in the amount of One Hundred and Ten Thousand Dollars and No Cents (\$110,000) in funding for a total of up to One Hundred and Sixty Thousand Dollars and No Cents (\$160,000.00).

WHEREAS, on September 13, 2019, the Board approved a Resolution authorizing an

additional One Hundred and Ten Thousand Dollars and No Cents (\$110,000) in funding for the Project for a total of up to One Hundred and Sixty Thousand Dollars and No Cents (\$160,000.00).

(C) **ARTICLE III. THE PROJECT** is amended by deleting all of subsection 3.2 and substituting the following in its place:

OTHER FORMS OF FINANCING. The cost of the Public Improvements and all other improvement expenses associated with the Project shall be funded by the SAPF's own capital or through commercial or private construction loans/lines of credit or donations secured solely by the SAPF. SAPF shall secure all sources of funds necessary, including any bond funding, to complete the Project of approximately SIX HUNDRED TEN DOLLARS AND NO CENTS (\$610,000.00) ("Budgeted Funds") of which a maximum of One Hundred Sixty Thousand Dollars and No Cents (\$160,000.00) is to be eligible for Project Costs reimbursement. The City and the Board pledge to use Available Tax Increment Funds, up to the maximum amount provided herein, to reimburse the SAPF for eligible Project Costs it has expended. These Available Tax Increment Fund reimbursements made to the SAPF are not intended to reimburse the SAPF for all of its costs incurred in connection with performing its obligations under this Agreement

(D) **ARTICLE VI. DUTIES AND OBLIGATIONS OF CITY AND BOARD** is amended by deleting all of subsection 6.2 and substituting the following in its place:

PLEDGE OF FUNDS. Funding shall be provided to the City for the development and design of the Project, located at the Project Site, subject to the terms and conditions in this Agreement, priority of payment schedule, and termination of the TIRZ. The Board hereby pledges Available TIF Funds, as reimbursement to the City for approved Project Costs, up to One Hundred and Sixty Thousand Dollars and No Cents (\$160,000.00), excluding those taxes collected after September 30, 2031.

(E) **ARTICLE VII. COMPENSATION TO SAPF** is amended by deleting all of subsection 7.3 and substituting the following in its place:

Following the Board's authorizations, the SAPF shall receive, in accordance with this Agreement, total reimbursements for Public Improvements from the City of a maximum of One Hundred and Sixty Thousand Dollars and No Cents (\$160,000.00) for public improvements on eligible project costs, as full reimbursement for designing and constructing the Public Improvements required under this Agreement. The Board shall not authorize reimbursement under this Agreement until the Budgeted Funds and any awarded bond funds necessary to complete the Project have been raised and expended by the SAPF in accordance with this Agreement.

2. All other terms, conditions, covenants and provisions of the Agreement are hereby continued and shall remain in effect in their original form, except for the provisions expressly modified by this First Amendment.

This First Amendment has been fully executed as of the date of signature of the last party to sign.

CITY OF SAN ANTONIO,
a Texas Municipal Corporation

San Antonio Parks Foundation

City Manager or his designee
Date: _____

Mary Jane Verette, President & CEO
Date: _____

BOARD OF DIRECTORS
Midtown TIRZ #31

Louis Fox, Presiding Officer
Date: _____

ATTEST/SEAL

APPROVED AS TO FORM:

Leticia Vacek
City Clerk

Andrew Segovia
City Attorney