

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

AN ORDINANCE

AUTHORIZING THE REPROGRAMMING OF UP TO \$1,923,255.33 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND UP TO \$1,951,351.15 IN HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS; THE SUBSTITUTION OF UP TO \$1,370,124.00 OF REPROGRAMMED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR GENERAL FUNDS; A SUBSTANTIAL AMENDMENT TO THE FY 2017 ANNUAL ACTION PLAN AND BUDGET; THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECTS AND THE CREATION OF NEW PROJECTS AND PROJECT BUDGETS; AND THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY.

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WHEREAS, Community Development Block Grant (“CDBG”) funds and HOME Investment Partnerships Program (“HOME”) funds available in previously-appropriated projects may, pursuant to regulations of the U.S. Department of Housing and Urban Development (“HUD”), be retained by grantees for reprogramming to supplement existing projects and/or fund the support of new programs; and

WHEREAS, the City of San Antonio (the “City”) is a CDBG and HOME fund grantee; and

WHEREAS, \$1,923,255.33 of CDBG funds is available as a result of program income, program savings, and cancelled projects; and

WHEREAS, it is the desire of the City to substitute up to \$1,370,124.00 of available CDBG funds for general funds from the City’s Street Maintenance Program in order to use such general funds to cover deficits for disallowed costs in the City’s CDBG, HOME, HUD 108, and Neighborhood Stabilization Program accounts and reprogram and allocate the swapped CDBG funds to the following CDBG-eligible, public infrastructure improvement projects that otherwise would have been financed by the Street Maintenance Program from general fund dollars: W. McKinley Avenue (Roosevelt to S. Presa), San Patricio (Nueva Leon to S. Hamilton), and Brandywine Ave (Maiden Lane to NW 36th Street); and

WHEREAS, it is also the desire of City to reprogram and allocate up to \$106,000.00 of available CDBG funds to the Zarzamora/IH-35 Gateway Project to design and construct an artistic gateway feature and up to \$447,131.33 of CDBG funds to Blessed Sacrament Academy Infrastructure Improvements to construct a detention pond on its property to alleviate flooding; and

WHEREAS, \$1,951,351.15 of HOME funds is available as a result of program income and program savings;

WHEREAS, it is the desire of the City to reprogram and allocate available HOME funds as follows: up to \$1,250,000.00 to the Oak Valley Apartments Project; up to \$140,000.00 to the Lenwood Heights–Phase II Project; and up to \$561,351.15 to the Owner-Occupied Rehabilitation/Reconstruction Program; and

WHEREAS, in order to reprogram said funds, it is necessary to authorize a substantial amendment to the City’s FY 2017 Annual Action Plan and Budget; and

WHEREAS, pursuant to applicable HUD regulations, statutory requirements, and/or City Council policy designed to ensure adequate citizen input, a public hearing is required prior to any reprogramming of or modification to funds or projects; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on February 23, 2017, it is now the desire of the City to formally allocate the reprogrammable CDBG and HOME funds at issue; **NOW THEREFORE:**

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

SECTION 1. In accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**, the following revisions to CDBG projects and modifications to the budgets and the reprogramming in support thereof in a total amount not to exceed \$1,923,255.33 are hereby authorized: up to \$1,370,124.00 to W. McKinley Avenue (Roosevelt to S. Presa), San Patricio (Nueva Leon to S. Hamilton), and Brandywine Ave (Maiden Lane to NW 36th Street) infrastructure improvement projects; up to \$106,000.00 to the Zarzamora/IH-35 Gateway Project; and up to \$447,131.33 to Blessed Sacrament Academy Infrastructure Improvements. Substitution of up to \$1,370,124.00 of reprogrammed CDBG funds for general funds from the City’s Street Maintenance Program is hereby authorized and approved. The allocation and appropriation of CDBG funds consistent with **Attachment I** are hereby authorized.

SECTION 2. In accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**, the revisions to HOME projects and modifications to the budgets and the reprogramming in support thereof in a total amount not to exceed \$1,951,351.15 are hereby authorized and approved: up to \$1,250,000.00 to Oak Valley Apartments; up to \$140,000.00 to Lenwood Heights–Phase II; and up to \$561,351.15 to the Owner-Occupied Rehabilitation/Reconstruction Program. The allocation and appropriation of HOME funds consistent with **Attachment I** are hereby authorized.

SECTION 3. The appropriations, reallocations, expenditures, encumbrances, and budget revisions necessitated and scheduled pursuant to **Attachment I** are hereby authorized for entry into the City’s accounting system.

SECTION 4. A substantial amendment to the City’s FY 2017 Annual Action Plan and Budget to reprogram said funds in the CDBG and HOME budgets is hereby authorized. The Grants Administrator of the Division of Grants Monitoring and Administration is hereby authorized to execute any and all documents in connection with said amendment.

SECTION 5. The Director of the City’s Finance Department is hereby authorized to effect on the books of the City the cancellations, revisions, and reprogramming in support thereof set forth in **Attachment I**. The City Manager or her designee, the Director of the Department of Planning and Community Development or her designee, or the Grants Administrator of the Division of Grants Monitoring and Administration is hereby authorized to (a) implement the reductions, revisions, and reprogramming set forth in **Attachment I**; (b) comply with HUD rules, regulations, and procedures, and submit all certifications and such other information to and as required by HUD; (c) approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated; (d) close-out and cancel affected projects and create new projects and project budgets; (e) execute any and all necessary documents in connection with the projects set forth above; and (f) provide for payment.

SECTION 6. [FISCAL LANGUAGE PENDING]

SECTION 7. The financial allocations in this Ordinance are subject to approval by the City’s Director of Finance. 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 8. 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 _____, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney