

ORDINANCE

AUTHORIZING THE EXECUTION OF A DONATION AGREEMENT WITH THE PHIL HARDBERGER PARK CONSERVANCY IN AN AMOUNT NOT TO EXCEED \$10,000,000.00, OF WHICH \$1000,000 TO BE FUNDED BY BEXAR COUNTY AND TEXAS PARKS AND \$2,000,000 TO BE FUNDED BY THE WILDLIFE (TPWD) GRANT, \$4,205,000 TO BE FUNDED BY PRIVATE DONATION AND \$2,795,000 FROM HARDBERGER CONSERVANCY IN CONNECTION WITH THE HARDBERGER PARK LAND BRIDGE, A 2017 BOND FUNDED PROJECT

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WHEREAS, on May 6, 2017, San Antonio voters approved the 2017-2022 Bond Program, consisting of six propositions totaling \$850 Million to be used on various capital improvement projects to address community infrastructure needs and improve the overall quality of life in San Antonio; and

WHEREAS, as part of Proposition 1 Streets, Bridges & Sidewalk Improvements, funds in the amount of \$7,500,000.00 and as part of Proposition 3 Parks, Recreation & Open Space Improvements, funds in the amount of \$5,500,000.00 were approved for improvements associated with Phil Hardberger Park in accordance with City Council approved Phil Hardberger Park Master Plan; and

WHEREAS, the Phil Hardberger Park is a 311 acre City Park that first opened in May 2010, and is divided by Wurzbach Parkway with the West Park located at 8400 N.W. Military and the East Park located at 13203 Blanco Road in Council Districts 8 and 9; and

WHEREAS, in accordance with the City Council approved Master Plan, the Phil Hardberger Park Land Bridge will be constructed over Wurzbach Parkway connecting the West and East Parks in order to provide pedestrian, bicycle and wildlife mobility throughout the Park; and

WHEREAS, construction start is anticipated to begin November 2018 and is estimated to be completed in April 2020; and

WHEREAS, the Phil Hardberger Park Conservancy is a 501(c)3 nonprofit organization that supports all aspects of the park, from planning activities to fundraising; and

WHEREAS, the Donation Agreement with the Conservancy provides the City with donated funding in the total amount of \$10,000,000.00 for planned Phil Hardberger Park Land Bridge to be constructed over Wurzbach Parkway; and

WHEREAS, the contribution includes design and construction fund raising from private donors, public donors, and the design construction documents; and

WHEREAS, the public donations include \$1,000,000 from Bexar County towards the construction of the project to be provided in three annual installments, subject to appropriation, of which the first of three payments was approved by the Bexar County Commissioner's Court on March 19, 2018; and, \$2,000,000 as part of a Texas Parks and Wildlife (TPWD) Grant pursuant to Ordinance No. 201604140280 approved on April 14, 2016; and

WHEREAS, private donations total \$4,205,000, of which \$2,520,000 will be provided in lump sum upon the Agreement execution, followed by three annual installments of \$561,666.66 beginning in June 2019; and

WHEREAS, all private donations fundraised by the Conservancy and donated to the City will be applied towards the construction of the project; and

| Conservancy Fundraising Contribution | |
|---|--------------|
| Public Donations (Bexar County & TPWD Grant) | \$3,000,000 |
| Private Donations | \$4,205,000 |
| Conservancy Funded Design & Construction Services | \$2,795,000 |
| Total | \$10,000,000 |

NOW THEREFORE:

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

SECTION 1. The City Manager or her designee, or the Director of the Transportation and Capital Improvements Department or his designee, is authorized to execute a donation agreement with the Phil Hardberger Park Conservancy in an amount not to exceed 10,000,000.00, of which \$3,000,000 to be funded by Bexar County and Texas Parks and Wildlife (TPWD) Grand, \$4,205,000 to be funded by private donation and \$2,795,000 from the Hardberger Conservancy in connection with the Hardberger Park Land Bridge, a 2017 Bond funded Project.

SECTION 2. The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee, is further authorized to execute any necessary documents to effectuate said donation.

SECTION 3. An In-Kind Land Bridge donation is authorized to be received from Phil Hardberger Park Conservancy to SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01584, Hardberger Park, and the budget shall be revised by **increasing** WBS element 23-01584-90-07, Hardberger Conservancy (In-Kind Bridge), SAP GL Account 6500000 - In Kind Land Revenue, by the amount of \$2,795,000.00.

SECTION 4. Funds are authorized to be **received from Bexar County** to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01584, Hardberger Park, and the budget shall be revised by **increasing** WBS element 23-01584-90-10-01, Bexar County Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$1,000,000.00.

SECTION 5. Funds are authorized to be **received from Hardberger Conservancy** to SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01584, Hardberger Park, and the budget shall be revised by **increasing** WBS element 23-01584-90-10-02, Hardberger Conservancy Contribution and SAP General Ledger 4502280, Contribution from other Agencies, in the amount of \$4,205,000.00.

SECTION 6. The amount of \$8,000,000.00 is **appropriated** in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-01584, Hardberger Park, and the budget shall be revised by **increasing** SAP WBS Elements as follows:

| WBS NO. | WBS NAME | G/L | G/L NAME | PLAN VERSION 0 REVISION/ Appropriation |
|-------------------|------------------------------|---------|--------------------|--|
| 23-01584-01-02-01 | Design - In-Kind-Conservancy | 6601040 | Fees to Prof Contr | 2,795,000.00 |
| 23-01584-05-02-02 | Construction-Bexar County | 5201245 | Construction Cost | 1,000,000.00 |
| 23-01584-05-02-03 | Construction-Conservancy | 5201245 | Construction Cost | 4,205,000.00 |
| | | | Totals | 8,000,000.00 |

SECTION 7. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this _____ th day of _____, 2018.

M A Y O R
 Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

 Leticia M. Vacek, City Clerk

 Andrew Segovia, City Attorney

