

ORDINANCE 2019-12-12-1063

AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE ECHO EAST CHAPTER 380 ECONOMIC DEVELOPMENT GRANT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO (“CITY”) AND GEORGE GERVIN YOUTH CENTER, INC. (“GGYC”) TO PROVIDE FOR THE INCLUSION OF AFFORDABLE HOUSING INTO THE ECHO EAST PROJECT.

* * * * *

WHEREAS, the City Council approved a Chapter 380 Economic Development Grant Agreement (the “Agreement”) with GGYC under City Ordinance 2018-02-08-0086 to provide \$430,000.00 for the purchase of City-owned real property located at 301 Spriggdale in City Council District 2 to be used as the proposed site of Echo East, an economic development project consisting of multi-family housing and amenities (the “Project”); and

WHEREAS, under the terms and conditions of the Agreement, GGYC was required to have City-approved financing prior to December 2019; and

WHEREAS, GGYC has revised the Project to include an affordable housing component and is seeking low-income housing tax credits to benefit the project; and

WHEREAS, due to the inclusion of affordable housing, GGYC has requested an extension of the Agreement to provide for sufficient time to apply and receive a reservation of low-income housing tax credits from the Texas Department of Housing & Community Affairs;
NOW THEREFORE:

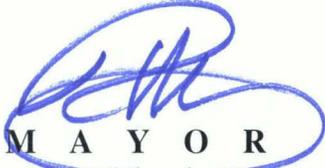
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council approves the terms and conditions of the First Amendment to the Echo East Chapter 380 Economic Development Grant Agreement between the City and George Gervin Youth Center, Inc. to provide for the inclusion of affordable housing into the Project. The City Manager or his designee is authorized to execute this First Amendment, a copy of which, in substantial final form is set out in **Exhibit A**. A copy of the fully executed agreement will be substituted for **Exhibit A** upon receipt of all signatures.

SECTION 2. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.

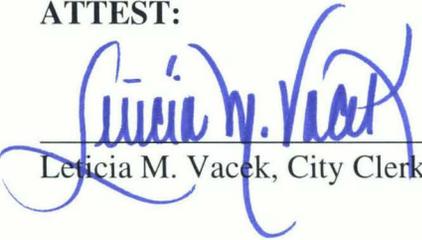
RR
12/12/19
Item No 36

PASSED AND APPROVED this 12th day of December, 2019.



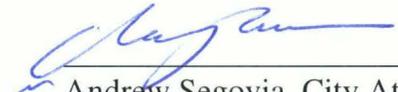
M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	36 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18A, 18B, 18C, 18D, 18E, 19, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 41A, 41B, 42A, 42B, 42C, 42D, 43, Z-1)
Date:	12/12/2019
Time:	09:40:36 AM
Vote Type:	Motion to Approve
Description:	Ordinance approving the First Amendment to the Echo East Chapter 380 Economic Development Grant Agreement with the George Gervin Youth Center, Inc. in City Council District 2 to incorporate an affordable housing component into the project and authorizing the allocation of tax credits. [Lori Houston, Assistant City Manager; Verónica R. Soto, AICP, Director, Neighborhood and Housing Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
Jada Andrews-Sullivan	District 2		x			x	
Rebecca Viagran	District 3		x				
Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

RR
12/12/19
Item No 36

EXHIBIT A

**FIRST AMENDMENT TO THE ECHO EAST CHAPTER 380 ECONOMIC
DEVELOPMENT GRANT AGREEMENT**

**BETWEEN THE CITY OF SAN ANTONIO AND GEORGE GERVIN YOUTH
CENTER, INC.**

This First Amendment to the Echo East Chapter 380 Economic Development Grant Agreement (this "First Amendment") is entered into by and between the City of San Antonio ("CITY"), a municipal corporation governed by the laws of the State of Texas and George Gervin Youth Center, Inc. ("Grantee"), a 501(c)(3) Texas non-profit corporation. Together, CITY and GGYC may be referred to, herein, as "the Parties."

RECITALS

- A. CITY and Grantee entered into that certain Echo East Chapter 380 Economic Development Grant Agreement (the "Agreement") authorized by City of San Antonio City Ordinance No. 2018-02-08-0087, passed and approved on February 8, 2018.
- B. Prior to this First Amendment, the Agreement was in full effect and the Parties were in compliance with all terms and conditions of the Agreement.
- C. The Parties, now seek to amend the terms and conditions of the Agreement as stated in this First Amendment and affirm that all other provisions of the Agreement remain in full force and effect.

AMENDMENT

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

- 1. Definitions. All capitalized terms used in this First Amendment without definition herein shall have the meanings assigned to such terms in the Agreement.
- 2. Amendment. The Parties hereby mutually agree to amend the Agreement as follows:
 - (a) Section 4.2(a) is amended to add the following sentence to the end of the provision:

"Additionally, City shall authorize escrow agent to release the deed to the Phase I Realty simultaneously upon Grantee receiving notice that TDHCA has reserved an allocation of tax credits for the Project."
 - (b) Section 4.2(d) is amended to replace the phrase "no more than three (3) additional months" with the phrase "up to an additional fifteen (15) months".

(c) Section 4.2(e) is added to read “Grantee must reapply and receive an award of multi-family revenue bonds and 4% Low Income Housing Tax Credits by December 31, 2020.

(d) Section 4.5 is amended to remove the phrase “within eighteen (18) months” with the phrase “within twenty-four (24) months.”

(e) The following sentence is added to the end of Section 14.1:

“Should Grantee fail to apply for multi-family revenue bonds and 4% Low Income Housing Tax Credits in a timely manner which precludes the project from receiving multi-family revenue bonds and 4% Low Income Housing Tax Credits prior to December 31, 2020 or should Grantee timely apply for multi-family revenue bonds and 4% Low Income Housing Tax Credits but not receive multi-family revenue bonds and 4% Low Income Housing Tax Credits for the Project, then this Agreement shall terminate without further action from either Party.”

3. Effective Date. This First Amendment is authorized under City Ordinance 2019-12-12-____ and shall be effective upon the effective date of said ordinance.
4. No Other Changes. Except as specifically set forth in this First Amendment, all of the terms and conditions of the Agreement shall remain the same and are hereby ratified and confirmed. The Agreement shall continue in full force and effect and with this First Amendment shall be read and construed as one instrument.
5. Choice of Law. This First Amendment shall be construed in accordance with and governed by the laws of the State of Texas.
6. Counterparts. This First Amendment may be executed in any number of counterparts, but all such counterparts shall together constitute but one instrument. In making proof of this First Amendment it shall not be necessary to produce or account for more than one counterpart signed by each party hereto by and against which enforcement hereof is sought.

Signatures appear on next page.

WITNESS HEREOF, the parties hereto have executed in triplicate originals this First Amendment on the _____ day of _____ 2019.

CITY:

CITY OF SAN ANTONIO

a municipal corporation

GRANTEE:

GEORGE GERVIN YOUTH CENTER, INC.

a non-profit organization

Erik Walsh
City Manager

Frances Boynes
CEO

ATTEST:

ATTEST (if necessary):

Leticia Vacek
City Clerk

Name:
Title:

APPROVED AS TO FORM:

City Attorney