

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

AN ORDINANCE

AUTHORIZING AMENDMENT NO. 1 TO THE LAND USE AGREEMENT WITH CPS ENERGY AT CALAVERAS PARK AND AMENDMENT NO. 1 TO THE SUBLEASE AGREEMENT WITH EAST CENTRAL INDEPENDENT SCHOOL DISTRICT AT CALAVERAS PARK FOR THE PURPOSE OF PROVIDING ON-GOING RECREATIONAL AND SPORTS PROGRAMS, AND SERVICES TO THE COMMUNITY, THROUGH EAST CENTRAL INDEPENDENT SCHOOL DISTRICT.

* * * * *

WHEREAS, in October of 1990, the City Public Service Board (CPS) authorized a Land Use Agreement with the City of San Antonio Parks and Recreation Department (Department) for approximately 146 acres, to provide and make available recreational programs and services to the public; and

WHEREAS, both organizations recognized that the community would benefit from the development of park programs and services at the site, and CPS relinquished control and management of the site for these purposes; and

WHEREAS, the Land Use Agreement established a term of twenty-five (25) years with two (2), twenty-five (25) year renewal options; and

WHEREAS, in order for CPS to address potential mitigation or remediation should new federal Environmental Protection Act (EPA) standards and requirements come into effect, an amendment to the renewal provision of the agreement is necessary; and

WHEREAS, three five (5) year renewal terms will replace the existing renewal options; and

WHEREAS, in August of 1991, the City approved a Sublease Agreement with East Central Independent School District (ECISD) which authorized the use of approximately 69 acres of the site for sports and recreational programs such as training of their cross-country track and field teams and related activities; and

WHEREAS, ECISD maintains, operates and provides security for the subleased area in a manner consistent with City-owned parkland serving similar purposes; and

WHEREAS, the Sublease Agreement mirrors the Land Use Agreement with CPS and as such an amendment to the renewal provision is required; and

WHEREAS, as a result, the amendment to the Sublease Agreement is changed to reflect three five (5) year renewal options; **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 Parks and Recreation Department or his designee, is authorized to execute Amendment No. 1 to the Land Use Agreement with CPS Energy at Calaveras Park and Amendment No. 1 to the Sublease Agreement with East Central Independent School District at Calaveras Park for the purpose of providing on-going recreational and sports programs, and services to the community, through East Central Independent School District. A copy of the land use agreement and the sublease agreement, in substantially final form, are attached hereto and incorporated herein for all purposes as **Attachment I and II.**

SECTION 2. 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 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 3. 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 _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney