

AN ORDINANCE 2014 - 06 - 19 - 0466

**EXTENDING TO JULY 10, 2015 THE TERM OF THE LICENSE AGREEMENT WITH EASTSIDE CHRISTIAN ACTION GROUP FOR THE CONTINUED USE AND OPERATION OF WHEATLEY HEIGHTS SPORTS COMPLEX LOCATED IN COUNCIL DISTRICT 2.**

\* \* \* \* \*

**WHEREAS**, in 2008, voters approved a Bexar County Venue Tax Program that provided funding in support of amateur sports for the development and expansion of sports complexes to serve local teams and enhance tourism; and

**WHEREAS**, in instances where these projects are located on City of San Antonio owned land, the City entered into license agreements with facility operators for use of the land; and

**WHEREAS**, under the terms of these agreements, the facility operators assumed responsibility for the daily operations and maintenance of the complexes in lieu of rent to the City; and

**WHEREAS**, Eastside Christian Action Group (ECAG) was a venue tax recipient and developed the Wheatley Heights Sports Complex including a football field, nine lane running track, a stadium setting, amphitheater, and soccer fields; and

**WHEREAS**, construction of the Wheatley Heights sports complex at Martin Luther King Park was complete in 2012 and has been serving the community by providing a venue for youth recreation over the past couple of years; and

**WHEREAS**, to assist ECAG with marketing the sports complex and booking events, the City executed a funding agreement in the amount of \$570,000.00 spanning two fiscal years which expired on September 30, 2013; and

**WHEREAS**, as ECAG transitioned from construction to operations, this start up funding allowed them to extend facility use to over 20,000 youth sports participants and spectators in 2013; and

**WHEREAS**, the primary term of this License Agreement ends on July 10, 2014; and

**WHEREAS**, Amendment No. 1 to the License Agreement will allow for the renewal of the current agreement for one year until July 10, 2015; **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 an amendment to the License Agreement with the Eastside Christian Action Group extending the term to July 10, 2015 for the continued use and

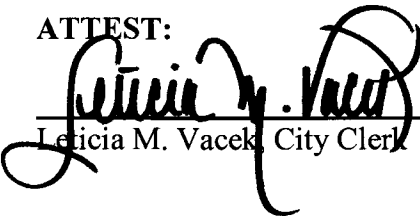
operation of the Wheatley Heights Sports Complex located in Council District 2. A copy of the amendment in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

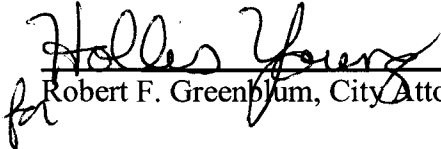
**SECTION 2.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 19th day of June, 2014.

  
M A Y O R  
Julián Castro

ATTEST:  
  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:  
  
for Robert F. Greenbaum, City Attorney

<b>Agenda Item:</b>	31 ( in consent vote: 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 24, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38A, 38B, 39A, 39B, 40A, 40B, 40C )
<b>Date:</b>	06/19/2014
<b>Time:</b>	10:29:56 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance extending to July 10, 2015 the term of the License Agreement with Eastside Christian Action Group for the continued use and operation of Wheatley Heights Sports Complex located in Council District 2. [Gloria Hurtado, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

**LICENSE AGREEMENT  
BEXAR COUNTY VENUE TAX PROJECTS  
Eastside Christian Action Group  
AMENDMENT NO. 1**

This Amendment No. 1 (“Amendment”) to the License Agreement Bexar County Venue Tax Project Eastside Christian Action Group (“Agreement”) is by and between the City of San Antonio, a Texas municipal corporation (“City”), acting by and through its City Manager or her designee, pursuant to Ordinance No. \_\_\_\_\_ passed and approved on \_\_\_\_\_, 2014, and Eastside Christian Action Group, a Texas non-profit organization (“Licensee”).

WHEREAS, pursuant to Ordinance No. 2009-06-18-0532, passed and approved on June 18 2009, City and Licensee entered into a License Agreement Bexar County Venue Tax Project for Martin Luther King Park and the Wheatley Heights flood buyout property located in City Council District 2 and

WHEREAS, City and Licensee now mutually desire to amend the Agreement to approve a renewal term and to clarify reporting requirements,

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth below, City and Licensee agree as follows:

1. ARTICLE 4 TERM IS MODIFIED TO ADD THE FOLLOWING:

4.3 The parties agree to renew this Agreement for an additional one year term beginning on July 11, 2014 and ending on July 10, 2015.

2. ARTICLE 8 SCHEDULED MAINTENANCE IS MODIFIED AS FOLLOWS:

The first sentence of 8.1 is deleted and replaced with the following:

8.1 If requested by City, Licensee agrees to provide to City a copy of its annual maintenance program and to submit same in writing to City within thirty (30) days after receipt of City’s request.

3. ARTICLE 15 REPORTS AND RECORDS IS MODIFIED AS FOLLOWS:

Paragraphs 15.1 and 15.2 are deleted in their entirety and replaced with the following:

15.1 Within sixty (60) days following the end of Licensee’s fiscal year of each year, Licensee shall provide to City an annual report that shall include the following:

15.1.1 Copies of all inspection reports completed by Bexar County or their designee in the previous calendar year and provided to Licensee and all reports submitted to Bexar County by Licensee during the previous calendar year;

15.1.2 Accounting of the Capital Repair and Improvement Fund, as defined in Section 6.3 above, including detail regarding all funds deposited on a monthly basis and withdrawals for repairs and improvements, accompanied by copies of each monthly bank statement for the Capital Repair and Improvement Fund bank account for the previous calendar year.

15.1.3 List of current officers including address, telephone number and e-mail address.

15.1.4 Number of participants in Licensee's programs, including age range.

15.1.5 Any modifications to Licensee's by-laws and/or articles of incorporation

15.2 If requested by City, League will provide an accounting of its revenue and expenditures for one or more of its fiscal years, in a form acceptable to City; such accounting to be provided within fifteen (15) days after receipt of a written request by City.

Except as modified herein, all terms and conditions contained in the Agreement entered into under the authority of Ordinance No. 2009-16-18-0532 shall remain in full force and effect.

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

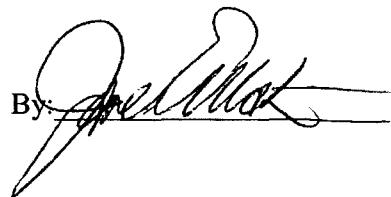
CITY:

City of San Antonio, a Texas  
Municipal corporation

Licensee:

Eastside Christian Action Group

By: \_\_\_\_\_  
City Manager

By:  \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form: \_\_\_\_\_