

ORDINANCE 2019-08-22-0645

**AUTHORIZING EXECUTION OF AN AMENDMENT TO THE FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO'S WORLD HERITAGE OFFICE AND BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE #32 AN ADDITIONAL COMMITMENT OF \$100,000.00 IN TIRZ FUNDING FOR THE RIVER-TO-MISSION CONNECTION PROJECT LOCATED AT 6701 SAN JOSE DRIVE, SAN ANTONIO, TEXAS, IN COUNCIL DISTRICT 3, WITHIN THE WORLD HERITAGE BUFFER ZONE, AND THE MISSION DRIVE-IN TIRZ.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio ("City") and the Mission Drive-In TIRZ Board of Directors ("Board") support programs which allow for economic development within its boundaries; and

**WHEREAS**, on October 19, 2017, through Ordinance No. 2017-10-19-0820, the City of San Antonio's World Heritage Office and the Mission Drive-In TIRZ entered into a funding agreement for the River-To-Mission Connection Project ("Project") in the amount of \$150,000.00 to undertake improvement efforts related to the River-To-Mission Connection Project for the Napier Avenue Right Turn Lane and the San Jose Drive Hammerhead/Turn-Around Easement located at 6701 San Jose Drive, in Council District 3; and

**WHEREAS**, an extended land exchange process with the National Park Service from late 2017 to December 2018 caused a change in the Project's contractor and an increase in the price estimate for the Project; and

**WHEREAS**, in accordance with Section 311.010 (b) of the Act, the Board is authorized to enter into agreements to dedicate revenue from the tax increment fund to pay for eligible project costs related to the construction of public infrastructure and eligible project costs that benefit the TIRZ; and

**WHEREAS**, on July 16, 2019, the Board approved a First Amendment to the existing Funding Agreement with the City's World Heritage Office for the River-To-Mission Connection Project for an additional \$100,00.00 in TIRZ funding, for a total amount not to exceed \$250,000.00; and

**WHEREAS**, it is now necessary for the City Council to approve the First Amendment to the Funding Agreement between the City of San Antonio's World Heritage Office and the Board of Directors for TIRZ #32; **NOW THEREFORE:**

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

**SECTION 1.** The terms and conditions of the First Amendment to the Funding Agreement between the City of San Antonio's World Heritage Office and Board of Directors of Tax Increment Reinvestment Zone #32 are hereby approved. A copy of the agreement, in substantial final form, is attached to this Ordinance as **Exhibit A**.

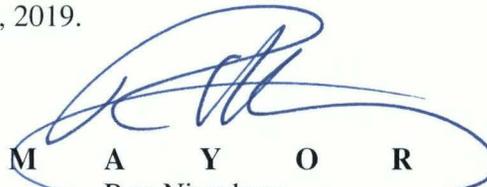
**SECTION 2.** The City Manager or his designee is hereby authorized to execute the First Amendment to the Funding Agreement which has been incorporated into this Ordinance for all purposes.

**SECTION 3.** This Ordinance authorizes an additional commitment of \$100,000.00, for a total amount not to exceed \$250,000.00, in reimbursable tax increment funding from the Mission Drive-In TIRZ Tax Increment Fund to the City of San Antonio's World Heritage Office to facilitate public improvement efforts related to the River-To-Mission Connection Project located at 6701 San Jose Rive, in Council District 3, within the World Heritage Buffer Zone and the Mission Drive-In TIRZ.

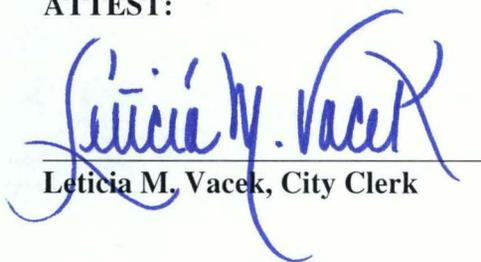
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This Ordinance shall be effective immediate upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 22<sup>nd</sup> day of August, 2019.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	9 ( in consent vote: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, P-1, Z-1 )
<b>Date:</b>	08/22/2019
<b>Time:</b>	09:35:19 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	Ordinance approving an amendment to the Funding Agreement between the Mission Drive-In TIRZ and the City's World Heritage Office for the River-To-Mission Connection Project, located within the World Heritage Buffer Zone at 6701 San Jose Drive for an additional \$100,000.00 in TIRZ funding, for an amount not to exceed \$250,000.00, to be used for public improvements and eligible project costs. [Lori Houston, Assistant City Manager; Verónica Soto, Director, Neighborhood and Housing Services]
<b>Result:</b>	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				
Rebecca Viagran	District 3		x				
Dr. 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			x	
Clayton H. Perry	District 10		x				

CR  
08/22/19  
Item No. 9

# EXHIBIT A

**FIRST AMENDMENT TO THE FUNDING AGREEMENT BETWEEN THE  
CITY OF SAN ANTONIO'S WORLD HERITAGE OFFICE AND THE  
BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THIRTY-  
TWO, SAN ANTONIO, TEXAS**

FOR VALUE RECEIVED, the receipt and sufficiency of which is acknowledged, this First Amendment to the Funding Agreement ("First Amendment") is entered into by and between the City of San Antonio ("City"), a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance \_\_\_\_\_, and the Board of Directors for the Tax Increment Reinvestment Zone Number Thirty-Two City of San Antonio, Texas, known as the Mission Drive-In TIRZ ("Board"), together referred as the "Parties."

**RECITALS**

**WHEREAS**, City and Board entered into a Funding Agreement (the "Agreement") authorized by City of San Antonio Ordinance No. 2017-10-19-0820, passed and approved on October 19, 2017, and attached hereto as EXHIBIT A.

**WHEREAS**, the Parties now seek to amend the terms and conditions of the Agreement in order to increase the funding commitment for the Project.

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

1. The Parties mutually agree to amend the following sections of the Agreement:

(A) The Introductory Paragraph on Page 1 of the agreement is deleted in its entirety and replaced with the following:

This Funding Agreement ("Agreement") is entered into by and between the City of San Antonio ("City"), a Texas municipal corporation in Bexar County, Texas, acting by and through its City Manager pursuant to Ordinance No. 2017-10-19-0820, and subsequently amended pursuant to Ordinance No. \_\_\_\_\_, and the Board of Directors for Tax Increment Reinvestment Zone Number Thirty-Two City of San Antonio, Texas, known as the Mission Drive-In TIRZ ("Board"), together referred as the "Parties".

(B) The **BACKGROUND** section on Page 1 of the agreement is amended by adding a sixth and seventh paragraph as follows:

**WHEREAS**, due to the changes in the scope and construction schedule the World Heritage Office has requested additional funding for the Project in the amount of One Hundred Thousand Dollars and No Cents (\$100,000) in funding for a total of up to Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00).

**WHEREAS**, on July 16, 2019, the Board approved a Resolution authorizing an additional One Hundred Thousand Dollars and No Cents (\$100,000) in funding for the

Project for a total of up to Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00).

(C) **ARTICLE VI. OBLIGATIONS OF THE BOARD** is amended by deleting all of subsection 6.4 and substituting the following in its place:

**PLEDGE OF FUNDS.** Funding shall be provided to the City for the development and design of the Project, located at the Project Site, subject to the terms and conditions in this Agreement, priority of payment schedule, and termination of the TIRZ. The Board hereby pledges Available TIF Funds, as reimbursement to the City for approved Project Costs, up to Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00).

(D) **ARTICLE IX. REIMBURSEMENT** is amended by deleting all of subsection 9.2 and substituting the following in its place:

Following Board approval and City Council authorization, the City shall receive in accordance with this Agreement, from the TIF Fund a total maximum reimbursement of TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$250,000.00) for eligible Project Costs.

- 2. All other terms, conditions, covenants and provisions of the Agreement are hereby continued and shall remain in effect in their original form, except for the provisions expressly modified by this First Amendment.

This First Amendment has been fully executed as of the date of signature of the last party to sign.

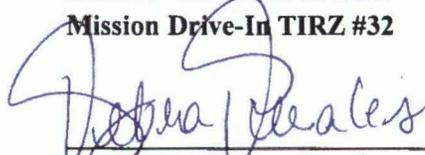
**CITY OF SAN ANTONIO,  
a Texas Municipal Corporation**

\_\_\_\_\_  
City Manager or his designee  
Date: \_\_\_\_\_

**ATTEST/SEAL**

\_\_\_\_\_  
Leticia Vacek  
City Clerk

**BOARD OF DIRECTORS  
Mission Drive-In TIRZ #32**

  
\_\_\_\_\_  
Presiding Officer  
Date: 7/16/19

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Andrew Segovia  
City Attorney