

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

ORDINANCE

**AUTHORIZING AN AMENDMENT TO A FUNDING AGREEMENT
WITH BROOKS DEVELOPMENT AUTHORITY (BROOKS) IN AN
AMOUNT NOT TO EXCEED \$352,000.00, AND THE ACCEPTANCE OF
FUNDS FROM BROOKS FOR CONSTRUCTION OF THE BROOKS
CITY BASE SOUTH NEW BRAUNFELS AVENUE PROJECT, A 2017
BOND FUNDED PROJECT.**

* * * * *

WHEREAS, in May 2017 the voters approved the 2017-2022 Bond Program, which authorized \$23,400,000.00 for improvements within the Brooks City Base for three street improvement projects: Brooks City Base South New Braunfels Avenue (Lyster Road to Aviation Landing); Brooks City Base Stinson Corridor (Research Plaza to South Presa Street); and, Brooks City Base Inner Circle Road (Louis Bauer Drive to Research Plaza); and

WHEREAS, the \$23,400,000.00 for improvements within Brooks City Base included \$2,664,948.31 for reimbursing Brooks for design, engineering, planning, environmental studies and any necessary right-of-way acquisition for those street improvement; and

WHEREAS, the City would retain the remaining \$20,735,051.69 for the construction of the three street improvement projects; and

WHEREAS, in November 2018 City Council approved a Funding Agreement between the City of San Antonio and the Brooks Development Authority in the amount not to exceed \$2,664,948.31; and

WHEREAS, based on the high bid prices received for construction of Brooks City Base South New Braunfels Avenue (Lyster Road to Aviation Landing) Project, funds are needed to ensure construction of this project is fully funded; and

WHEREAS, Brooks is contributing \$352,000.00 for that construction which shall be paid pursuant to the Funding Agreement; and

WHEREAS, this amendment will authorize the acceptance of funds in the additional amount of \$352,000.00 from the Brooks Development Authority for the construction of this Project; and

WHEREAS, it is necessary to amend the Funding Agreement accordingly and authorize (1) the execution of such amendment increasing the agreement by \$352,000.00, and (2) the acceptance of funds in the same amount by City for the three street improvement projects; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or designee, is authorized to execute an amendment with the Brooks Development Authority in the increased amount not to exceed \$352,000.00 and accept \$35,000.00 from Brooks Development Authority as a part of the Brooks City Base South New Braunfels Avenue Project. A copy of the amendment in substantially final form is attached as **Exhibit I.**

SECTION 2. The amount of \$352,000.00 is appropriated in Fund 45099000, Project 23-01563, per the table below:

| WBS | GL | AMOUNT |
|-------------------|-----------|---------------|
| 23-01563-90-10-01 | 4502280 | -352,000.00 |
| 23-01563-05-02-08 | 5201245 | 352,000.00 |
| | | |

SECTION 3. 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 Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this _____ day of September, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney