

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

**AN ORDINANCE**

**AUTHORIZING A THIRD AMENDMENT TO THE GRANT AND DEVELOPMENT AGREEMENT WITH BEXAR COUNTY AND THE BEXAR COUNTY PERFORMING ARTS CENTER FOUNDATION TO PROVIDE A CONTRIBUTION FROM THE CITY AND BEXAR COUNTY OF UP TO \$5,000,000.00 EACH TOWARDS CONSTRUCTION OF A PARKING FACILITY TO SERVE THE TOBIN CENTER FOR PERFORMING ARTS.**

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**WHEREAS**, in June 2008, City Council approved a Grant and Development Agreement (“Agreement”) with Bexar County and the Bexar County Performing Arts Center Foundation (“Foundation”) whereby: (i) the City of San Antonio conveyed title of the former Municipal Auditorium and San Antonio Fire Department Headquarters to the Foundation for the Foundation’s construction and operation of the Tobin Center for Performing Arts (“Tobin Center”); (ii) Bexar County contributed \$100,000,000.00 towards construction costs from visitor tax revenues; and (iii) the City contributed \$500,000.00 per year for five years to the Reserve Fund that the Foundation was required to establish pursuant to the Agreement; and

**WHEREAS**, the Foundation has raised \$47 million of the \$54 million it was required to raise from the private sector for the balance of construction costs and the Reserve Fund to help pay for operating costs. The Tobin Center is scheduled to open on September 4, 2014; and

**WHEREAS**, the Tobin Center will feature a state-of-the-art, multi-purpose 1,759-seat (2,100-seat with flat-floor configuration) performance hall, a 250-seat studio theater, and an outdoor performance plaza connected to the River Walk; and

**WHEREAS**, in order to provide parking for the daytime patrons of the Tobin Center, the Foundation has entered into a long-term ground lease with the First Baptist Church of San Antonio for the construction by the Foundation of a parking facility to consist of approximately 510 parking spaces and retail space, which facility is within walking distance from the Tobin Center and is estimated to cost between \$13,000,000.00 and \$15,000,000.00; and

**WHEREAS**, in order to ensure the success of the Center, the City of San Antonio and Bexar County desire to contribute up to \$5,000,000.00 each towards the construction of the parking facility, provided the following conditions are met: (1) the Foundation establishes a design review committee that includes representation from the City, Bexar County, the Foundation, and First Baptist Church; (2) first floor retail is incorporated into the construction of the parking facility; (3) the Foundation operates the parking facility and funds its continued operation and maintenance; and (4) the City and Bexar County retain an ownership interest in the parking facility; **NOW THEREFORE:**

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

**SECTION 1.** The terms and conditions of the Third Amendment to the Grant and Development Agreement with Bexar County and the Bexar County Performing Arts Center Foundation to provide for a contribution from the City and Bexar County of up to \$5,000,000.00 each towards construction of a parking facility to serve the Tobin Performing Arts Center are hereby approved.

**SECTION 2.** The amount of \$5,000,000.00 is appropriated in SAP Fund 53007000, River Bend Garage Sale Fund, SAP Internal Order # 390000001773, SAP GL account 6102100 - Interfund Transfer out entitled Transfer to 19-00016-90-14-01. The amount of \$5,000,000.00 is authorized to be transferred to SAP Fund 53099000.

**SECTION 3.** The budget in SAP Fund 53099000, Parking Capital Projects, SAP Project Definition 19-00016, Tobin Garage, shall be revised by increasing SAP WBS element 19-00016-90-14-01 entitled Transfer from IO# 390000001773, SAP GL account 6101100 - Interfund Transfer In, by the amount \$5,000,000.00.

**SECTION 4.** The amount up to \$5,000,000.00 is appropriated in SAP Fund 53099000, Parking Capital Projects, SAP Project Definition 19-00016, Tobin Garage, SAP WBS Element 19-00016-05-02-01, entitled Construction Costs, SAP GL Account 5201040.

**SECTION 5.** Payment in the amount not to exceed \$5,000,000.00 in SAP Fund 53099000, Parking Capital Projects, SAP Project Definition 19-00016, Tobin Garage, is authorized to be made to The Bexar County Performing Arts Center Foundation, for construction services in accordance with the Third Amendment.

**SECTION 6.** 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 7.** 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 August, 2014.

**M A Y O R**  
**Ivy R. Taylor**

VMZ/lg  
08/21/14  
Item No. \_\_\_\_\_

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

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Robert F. Greenblum, City Attorney

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