

AN ORDINANCE 2017-09-21-0674

AUTHORIZING THE NEGOTIATION AND EXECUTION OF A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEITEL CREEK, LTD., A TEXAS LIMITED PARTNERSHIP, IN AN AMOUNT NOT TO EXCEED \$2,500,000 FOR THE RECLAMATION, CLEANING OF PROPERTIES ALONG BEITEL CREEK, AND THE DEVELOPMENT OF A NEW LINEAR PARK, 2017-2022 BOND FUNDED PROJECT FROM THE DRAINAGE & FLOOD CONTROL AND PARKS, RECREATION & OPEN SPACES PROPOSITIONS, IN SUPPORT OF A FUTURE LINEAR PARK SYSTEM THAT WOULD CONNECT THE SALADO CREEK GREENWAY AND LADY BIRD JOHNSON PARK, LOCATED IN COUNCIL DISTRICT 10.

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WHEREAS, this Developer Participation Agreement with Beitel Creek Ltd., a Texas limited Partnership, by Bitterblue Inc., its sole general partner, is for the reclamation, cleaning of properties and development of a linear park system along Beitel Creek; and

WHEREAS, as part of the 2017-2022 Bond Program, voters approved \$2,000,000.00 from the Drainage & Flood Control Proposition and \$500,000.00 from the Parks, Recreation & Open Spaces Proposition for reclamation and cleaning of properties along Beitel Creek allowing space for a future linear park system along the creek eventually connecting to the Salado Creek Greenway and Lady Bird Johnson Park; and

WHEREAS, this project will add additional usable land along the Wurzbach Parkway areas, as well as allowing Beitel Creek to be a passive recreation area; and

WHEREAS, this ordinance authorizes the negotiation and execution of a Developer Participation Agreement with Beitel Creek Ltd., a Texas limited Partnership, by Bitterblue Inc., its sole general partner, in an amount not to exceed \$2,500,000.00 for the reclamation and cleaning of properties along Beitel Creek and development of a new linear park, 2017-2022 Bond funded project from the Drainage & Flood Control and Parks, Recreation & Open Spaces Propositions, in support of a future linear park system that would connect the Salado Creek Greenway and Lady Bird Johnson Park; and

WHEREAS, this ordinance authorizes a one-time capital improvement expenditure in an amount not to exceed \$2,500,000.00 payable to Beitel Creek Ltd., a Texas limited Partnership, by Bitterblue Inc., its sole general partner, for the reclamation and cleaning of properties along Beitel Creek and development of a new linear park, in anticipation of the drainage and linear park improvements; and

WHEREAS, the Texas Local Government Code Sections 212.071 – 212.074 limits participation of a municipality to a level not to exceed 30% of the total contract price; and

WHEREAS, the total cost of this project is estimated to be \$8,333,334.00 and the City will pay its contribution up to 30% of total project costs; and

WHEREAS, funds are available from the 2017-2022 General Obligation Bonds with \$2,000,000.00 from the Drainage & Flood Control Proposition and \$500,000.00 from the Parks, Recreation & Open Spaces Proposition; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, is authorized to negotiate and execute a Developer Participation Contract with Beitel Creek Ltd., a Texas limited Partnership, by Bitterblue Inc., its sole general partner, in the total amount not to exceed \$2,500,000.00 for the City's participation in the reclamation and cleaning of properties along Beitel Creek and development of a new linear park, in anticipation of the drainage and linear park improvements that would connect the Salado Creek Greenway and Lady Bird Johnson Park.

SECTION 2. The Contract must be executed within 90 days of signing of this Ordinance; if the parties are not able to finalize within 90 days, the Agreement must be considered through a subsequent Ordinance. Should an Agreement be negotiated which substantially varies from the terms of the attached Agreement, the Agreement must be considered through a subsequent Ordinance.


SECTION 3. Payment in the amount not to exceed \$2,000,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 16-01624, Beitel Creekway, is authorized to be encumbered and made payable to Beitel Creek Ltd., a Texas limited Partnership, by Bitterblue Inc., its sole general partner, for the reclamation and cleaning of properties along Beitel Creek.

SECTION 4. Payment in the amount not to exceed \$500,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 16-01643, Beitel Creek Linear Trail Park, is authorized to be encumbered and made payable to Beitel Creek Ltd., a Texas limited Partnership, by Bitterblue Inc., its sole general partner, for the development of a new linear park along Beitel Creek.

SECTION 5. 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 6. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage

PASSED AND APPROVED this 21st day of September, 2017.




M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Andrew Segovia, City Attorney

Agenda Item:	13 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18A, 18B, 18C, 18D, 19, 20, 21, 22, 24A, 24B, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 38, 40, 41, 42, 43, 44, 45, 47, 50A, 50B, 51B, 52A, 52B, 52C, 52D, 52E, 52F, 52G, 52H)						
Date:	09/21/2017						
Time:	09:45:52 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the negotiation and execution of a Developer Participation Agreement between the City of San Antonio and Beitel Creek, LTD, a Texas Limited Partnership, in an amount not to exceed \$2,500,000.00 for the reclamation, cleaning of properties along Beitel Creek and the development of a new linear park, 2017-2022 Bond funded projects from the Drainage & Flood Control and Parks, Recreation & Open Spaces Propositions, in support of a future linear park system that would connect the Salado Creek Greenway and Lady Bird Johnson Park located in Council District 10. [Peter Zaroni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	x					
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8	x					
John Courage	District 9		x				
Clayton H. Perry	District 10		x				