

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

**AN ORDINANCE**

**REAFFIRMING CITY COUNCIL APPROVAL OF 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 with Bexar County and the Bexar County Performing Arts Center 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 Tobin Center consists of a state-of-the-art, multi-purpose 1,759-seat performance hall, a 250-seat studio theater, and an outdoor performance plaza connected to the River Walk, and since opening in September 2014 the Tobin Center has served as the home of the San Antonio Symphony and hosted national and international artists; and

**WHEREAS**, the Foundation has entered into a long-term ground lease of property owned by the First Baptist Church of San Antonio located on the corner of Lexington Avenue and Taylor Street for the construction by the Foundation of a parking facility to consist of approximately 510 parking spaces and retail space, which facility will be within walking distance from the Tobin Center and is estimated to cost \$16,200,000.00; and

**WHEREAS**, in order to ensure the success of the Center, City Council previously adopted Ordinance 2014-08-21-0605 authorizing a Third Amendment to the Grant and Development Agreement whereby the City of San Antonio and Bexar County agreed to contribute up to \$5,000,000.00 each towards the construction of the parking facility, provided: (1) the Foundation established a design review committee that included 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; (4) the City and Bexar County retain an ownership interest in the parking facility; and (5) the Foundation pays for all costs above the \$10 million contribution by the City and County; and

**WHEREAS**, the Foundation has informed the City and the County that it has met these conditions, therefore Bexar County Commissioner’s Court is scheduled to consider approval of the Amended Grant and Development Agreement on May 3, 2016 and City staff recommends that City Council reaffirm its approval of the \$5,000,000.00 funding commitment towards construction of this parking facility previously approved in 2014; **NOW THEREFORE:**

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

**SECTION 1.** Approval of 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 as set out in Ordinance 2014-08-21-0605, is hereby affirmed.

**SECTION 2.** 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 May, 2016.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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Martha G. Sepeda  
Acting City Attorney