

AMENDMENT NO. 2
TO
A FUNDING AGREEMENT BETWEEN
THE CITY OF SAN ANTONIO AND THE WITTE MUSEUM

This Amendment No. 2 (hereafter referred to as “the Amendment No. 2”) to a Funding Agreement (hereafter referred to as “the Funding Agreement”) between the City of San Antonio, a Texas municipal corporation (hereafter referred to as “City”), acting by and through its Director of the Transportation & Capital Improvements Department (hereafter referred to as “TCI”) and City’s Witte Museum, located at 3801 Broadway, San Antonio, Texas (hereafter referred to as “Grantee”), is entered into between City and the Witte, as set out below.

WITNESSETH:

WHEREAS, on September 19, 2013, the San Antonio City Council , via Ordinance 2013-09-19-0642 authorized the execution of a Funding Agreement totaling \$8,000,000.00 to Grantee, said \$8,000,000.00 funding comprised of \$4,000,000.00 in Library, Museum and Cultural Arts Improvements General Obligation Bond funds, along with an additional \$4,000,000.00 in Hotel Occupancy Tax (hereafter referred to as “HOT”) funds from sources other than HOT collections with the \$4,000,000.00 HOT funds to be distributed \$2,000,000.00 in FY 2014 and \$2,000,000.00 in FY 2015; and

WHEREAS, on September 18, 2014 the San Antonio City Council, via Ordinance 2014-09-18-0690 authorized the execution of Amendment No. 1 to the existing Funding Agreement totaling \$8,000,000.00 to Grantee, said \$8,000,000.00 funding comprised \$4,000,000.00 from the State Event Trust Fund and \$4,000,000.00 from Certificates of Obligation to be distributed \$6,000,000.00 in FY 2015 and \$2,000,000.00 in FY 2016; and

WHEREAS, Grantee in its 91st year of operation is undergoing an expansion, with said expansion being conducted in four phases: Phase I completed and opened to the public in the Spring of 2012; Phase II – Mays Family Center complete and opened to the public in April 2016; Phase II – Susan Naylor Center completed and opened to the public in March 2017;

WHEREAS, City now desires to increase its funding to Grantee, as authorized by the San Antonio City Council on September 15, 2016 through its Fiscal Year 2017 Adopted Budget, by an additional \$1,201,615.67, bringing City’s funding commitment, through said Funding Agreement to \$17,201,615.67;

WHEREAS, the additional \$1,201,615.67 of funding from City shall come from \$275,000.00 from the General Fund, \$500,000.00 from Certificates of Obligation and \$426,615.67 from Tax Notes. Of this amount \$1,201,615.67 is available in FY 2017 in conjunction with the Grantee’s planned Phase III improvements to begin in June 2017;

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained and in consideration of other goods and valuable consideration, each to the other

given, the sufficiency and receipt of which hereby are acknowledged, the Funding Agreement is amended as follows:

1. Paragraphs 5.01 & 5.03 of Article V. FUNDING AND ASSISTANCE BY CITY are deleted in their entirety and replaced by the following:

5.01 City shall reimburse Grantee for all eligible expenses incurred hereunder. Notwithstanding any other provisions of the Agreement, the total of all payments and other obligations made or incurred by City hereunder shall not exceed the sum or \$17,060,000.00, plus the sum of \$141,615.67 that City shall retain for fiscal and Project oversight, for a total funding by City of \$17,201,615.67.

5.03 City Funding shall consist of reimbursements paid to Grantee for costs of construction of the Project, not to exceed \$17,060,000.00 and \$141,615.67 to be retained by the City.

Except as amended hereby, all other provisions of the Funding Agreement hereby are retained in their entirety and remain unchanged.

EXECUTED AND AGREED TO this _____ day of _____, 20_____.

CITY OF SAN ANTONIO, TEXAS

THE WITTE MUSEUM

By: _____

Mike Frisbie, P.E.
Director
Transportation & Capital Improvements

By: _____

Marise McDermott
President & CEO

APPROVED AS TO FORM:

San Antonio City Attorney