

AN ORDINANCE 2017-09-07-0630

**AUTHORIZING EXECUTION OF AMENDMENT NO. 2  
TO THE CARETAKER LEASE AGREEMENT WITH  
DALE CHUMBLEY AT PHIL HARDBERGER PARK,  
LOCATED IN COUNCIL DISTRICT 8.**

\* \* \* \* \*

**WHEREAS**, in 2007, a Caretaker Lease Agreement was authorized with Dale Chumbley for portions of Phil Hardberger Park, and was renewed through September 30, 2017; and

**WHEREAS**, the City requests to retain the services of the live-in caretaker through September 30, 2019, and include two, one-year extensions; and

**WHEREAS**, under the terms of the agreement, the caretaker shall continue to reside at the 1924 Voelcker farmhouse in order to monitor leased area which has limited visibility from park proper and

**WHEREAS**, additionally, the caretaker is responsible for paying all utilities and \$100.00 in monthly rent while maintaining the leased premises (approximately 1.01 acres); **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee is hereby authorized to execute Amendment No. 2 to the Caretaker Lease Agreement with Dale Chumbley at Phil Hardberger Park, located in Council District 8. A copy of the amendment is attached hereto and incorporated herein for all purposes as **Attachment I**.

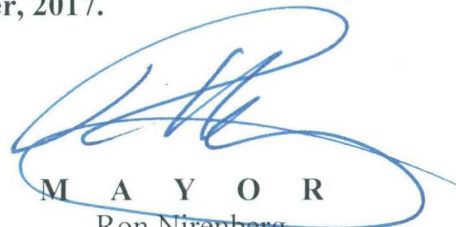
**SECTION 2.** Funds generated by this Ordinance will be deposited into Fund 11001000, Internal Order 226000000000 and General Ledger 4407720.

**SECTION 3.** 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.

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

**PASSED AND APPROVED** this 7th day of September, 2017.



M A Y O R  
Ron Nirenberg

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

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>8 ( in consent vote: 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 18 )</b>						
<b>Date:</b>	09/07/2017						
<b>Time:</b>	09:31:14 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing execution of Amendment No. 2 to the Caretaker Lease Agreement with Dale Chumbley at Phil Hardberger Park, located in Council District 8. [María Villagómez, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x			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				

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# Attachment I

AMENDMENT #2 TO CARETAKER LEASE AGREEMENT  
AT PHIL HARDBERGER PARK

This Amendment #2 to the Caretaker Lease Agreement at Phil Hardberger Park is made by and through the CITY OF SAN ANTONIO, a Texas municipal corporation ("City"), acting by and through its City Manager or her designee, pursuant to Ordinance No. \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_ ("CITY") and Dale Chumbley ("RESIDENT").

WHEREAS, **RESIDENT** currently serves as Caretaker of portions of the Phil Hardberger Park property through a Caretaker Lease Agreement terminating on September 30, 2017 as authorized by Ordinance # 2015-08-13-0690; and

WHEREAS, **CITY** desires to continue the service of a live-in Caretaker and **RESIDENT** has offered to continue to serve in the capacity of Caretaker of portions of Phil Hardberger Park throughout the term of this Agreement and **CITY** desires to extend the term of this Agreement to **RESIDENT** to reside on and use the property as prescribed in this Amendment; and

NOW THEREFORE, the **CITY** and **RESIDENT** hereby agree to amend the Caretaker Lease Agreement at Phil Hardberger Park as follows:

1. ARTICLE 4. TERM OF AGREEEMNT IS MODIFIED AS FOLLOWS:

Paragraph 4.1 is hereby modified to amend the first sentence to read as follows:

"The term of this Agreement is two (2) years, beginning on October 1, 2017 and expiring on September 30, 2019, if not earlier terminated according to the terms of this Agreement."

Paragraph 4.2 is hereby added as follows:

"So long as **RESIDENT** is not then in default of any of the provisions of this Agreement, this Agreement may be extended for up to two (2), additional one (1) year administrative extension periods, for a total maximum term of this Agreement of four (4) years."

All other terms of the original Caretaker Lease Agreement shall stand as otherwise stated.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF SAN ANTONIO**

**RESIDENT**

By: \_\_\_\_\_  
Xavier D. Urrutia, Director  
Parks and Recreation Department

By: Dale Chumbley  
Dale Chumbley, Resident

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**Exhibit A: Premises**