

ORDINANCE 2019-06-13-0503

APPROVING AMENDMENT #1 TO EXTEND THE TERM OF THE LEASE AGREEMENT WITH THE TEXAS TRANSPORTATION MUSEUM FOR MANAGEMENT, OPERATIONS AND MAINTENANCE TO THE PROPERTY AT MCALLISTER PARK UNTIL JUNE 30, 2029. THERE IS NO FISCAL IMPACT ASSOCIATED WITH THIS ORDINANCE.

* * * * *

WHEREAS, Texas Transportation Museum (TTM) is a non-profit organization dedicated to providing a vehicle and train museum to San Antonio citizens and visitors; and

WHEREAS, on October 31, 1968, City Council passed Ordinance No. 37012 authorizing a 25-year lease agreement (Lease Agreement) with TTM for use of approximately 37 acres at McAllister Park; and

WHEREAS, over the next 20 years, TTM acquired significant historical transportation articles for the museum and constructed numerous improvements including a vehicle showroom, model train exhibit, and operational railroad line permitting visitors to take a short train ride; and

WHEREAS, in November, 1988 through Ordinance 68325, City Council replaced TTM's initial Lease and authorized a new Lease Agreement in order for TTM to secure private contributions for future improvements through demonstration of a long-term agreement with the City of San Antonio; and

WHEREAS, in consideration of TTM's improvements and their desire to secure contributions for future expansion and maintenance of the museum, TTM negotiated a 10-year Lease Agreement; and

WHEREAS, upon expiration, the City and TTM entered into a new Lease Agreement for the term of 10 years with two 10-year renewal options; and

WHEREAS, Amendment #1 shall commence on July 1, 2019 and expire on June 30, 2029; and

WHEREAS, in lieu of rent, TTM shall be responsible for operations and maintenance of the property at McAllister Park; and

WHEREAS, TTM will be permitted to operate concessions with proceeds benefitting their program and to offset the cost of operations and maintenance; and

WHEREAS, all other terms and conditions of the current Lease Agreement will remain in effect; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee, or the Director of the Parks and Recreation Department or designee, is hereby authorized to amend the Lease Agreement with the Texas Transportation Museum for management, operations and maintenance to the property at McAllister Park until June 30, 2029. A copy of the Amendment to the agreement is attached hereto and incorporated herein for all purposes as **EXHIBIT A**.

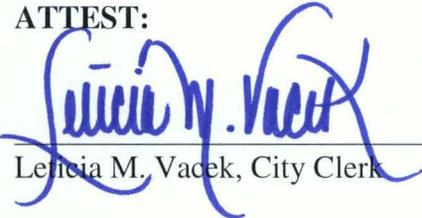
SECTION 2. There is no fiscal impact associated with this Ordinance.

PASSED AND APPROVED this 13th day of June, 2019.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	27 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21A, 21B, 22, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 48, 50, 51A, 51B, 52)
Date:	06/13/2019
Time:	10:10:52 AM
Vote Type:	Motion to Approve
Description:	Ordinance extending the term of the Lease Agreement with the Texas Transportation Museum for management, operations and maintenance to the property at McAllister Park until June 30, 2029. There is no fiscal impact associated with this ordinance. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x			x	
Art A. Hall	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				

SW/ah
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EXHIBIT A

**LEASE AGREEMENT
TEXAS TRANSPORTATION MUSEUM
AMENDMENT #1**

This Amendment #1 ("Amendment") to the Lease Agreement ("Agreement") is by and between the City of San Antonio, a Texas municipal corporation ("City"), acting by and through its City Manager or his designee, pursuant to Ordinance No. _____ passed and approved on _____, 2019, and Texas Transportation Museum, a Texas non-profit organization ("Lessee").

WHEREAS, pursuant to Ordinance No. 2009-06-11-0498, passed and approved on June 11, 2009, City and Tenant entered into a Lease Agreement for the Texas Transportation Museum located in McAllister Park at 11731 Wetmore Road; and

WHEREAS, City and Tenant mutually desire to enter into Amendment #1 to exercise a renewal option for a term of 10 years commencing July 1, 2019 and expiring June 30, 2029; and

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth below, City and Tenant agrees as follows:

ARTICLE 3. TERM IS MODIFIED AS FOLLOWS:

Paragraph 3.1 is added as follows:

3.1 The first renewal option of this Agreement for a term of ten (10) years beginning July 1, 2019 and expiring on June 30, 2029, if not earlier terminated according to the terms hereof, is hereby exercised.

Except as modified herein, all terms and conditions contained in the Agreement entered into under the authority of the above referenced ordinances shall remain in full force and effect.

EXECUTED on this _____ day of _____, 2019.

CITY:
City of San Antonio, a Texas
Municipal Corporation

TENANT:
Texas Transportation Museum

By: _____
Xavier D. Urrutia, Parks and Recreation Director

By: _____
John W. Worsham, Ph.D.
President, TTM Board of Directors

Attest: _____
City Clerk

Approved as to Form: _____
City Attorney