



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-1784

**Type:** Real Property Lease

**In control:** City Council A Session

**On agenda:** 3/12/2015

**Title:** An Ordinance authorizing Amendment No. 1 to the Land Use Agreement with CPS Energy at Calaveras Park and Amendment No. 1 to the Sublease Agreement with East Central Independent School District at Calaveras Park for the purpose of providing on-going recreational and sports programs, and services to the community, through East Central Independent School District. [Gloria Hurtado, Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment No. 1 to Land Use Agreement for Calaveras Park with CPS Energy, 2. Amendment No. 1 to East Central ISD Sublease Agreement at Calaveras Park, 3. Draft Ordinance, 4. Ordinance 2015-03-12-0190

| Date      | Ver. | Action By              | Action | Result |
|-----------|------|------------------------|--------|--------|
| 3/12/2015 | 1    | City Council A Session |        |        |

**DEPARTMENT:** Parks & Recreation

**DEPARTMENT HEAD:** Xavier D. Urrutia

**COUNCIL DISTRICTS IMPACTED:** ETJ

### SUBJECT:

Execution of Amendment to a Land Use Agreement with CPS Energy and Amendment to Sublease Agreement with East Central Independent School District at Calaveras Park

### SUMMARY:

This ordinance authorizes Amendment No. 1 to the Land Use Agreement with CPS Energy at Calaveras Park; and Amendment No. 1 to the Sublease Agreement with East Central Independent School District at Calaveras Park for the purpose of providing on-going recreational and sports programs to the public.

### BACKGROUND INFORMATION:

In October of 1990, the City Public Service Board (CPS) authorized a Land Use Agreement with the City of

San Antonio Parks and Recreation Department (Department) for approximately 146 acres, to provide and make available recreational programs and services to the public. Both organizations recognized that the community would benefit from the development of park programs and services at the site, and CPS relinquished control and management of the site for these purposes. The Land Use Agreement established a term of twenty-five (25) years with two (2), twenty-five (25) year renewal options. In order for CPS to address potential mitigation or remediation should new federal Environmental Protection Act (EPA) standards and requirements come into effect, an amendment to the renewal provision of the Agreement is necessary. Three five (5) year renewal terms will replace the existing renewal options.

In August of 1991, the City approved a Sublease Agreement with East Central Independent School District which authorized the use of approximately 69 acres of the site for sports and recreational programs such as training of their cross-country track and field teams and related activities. ECISD maintains, operates and provides security for the subleased area in a manner consistent with City-owned parkland serving similar purposes. The Sublease Agreement mirrors the Land Use Agreement with CPS and as such an amendment to the renewal provision is required. As a result, the amendment to the Sublease Agreement is changed to reflect three five (5) year renewal options.

#### **ISSUE:**

This ordinance amends the renewal terms of the Land Use Agreement with City Public Service and Sublease Agreement with East Central Independent School District for the continuity in service delivery of recreational programming at Calaveras Park. Additionally, administrative revisions are included to reflect current indemnification, insurance, and nondiscrimination language.

#### **ALTERNATIVES:**

The City could elect not to approve Amendment No. 1 to the Land Use Agreement with CPS Energy or Amendment No. 1 to the Sublease Agreement with East Central Independent School District (ECISD), which collectively would adversely impact ECISD's access to sports fields and recreational programs, specifically for cross-country track and field training purposes. The Department would then identify other public park property to provide ECISD with acreage to conduct cross-country track and field training, subject to the availability through the Department's reservation system.

#### **FISCAL IMPACT:**

These actions have no General Fund impact.

#### **RECOMMENDATION:**

Staff recommends approval of Amendment No. 1 to the Land Use agreement with CPS Energy and Amendment No. 1 to the Sublease Agreement with ECISD.