

AN ORDINANCE

99762

AUTHORIZING THE SECOND AMENDMENT TO THE GENERAL OPERATING AGENCY AGREEMENT BETWEEN THE CITY AND THE GREATER KELLY DEVELOPMENT AUTHORITY ("GKDA") FOR FIVE CAPITAL PROJECTS APPROVED BY ORDINANCE NO. 96693 PASSED AND APPROVED ON NOVEMBER 7, 2002 AND AS AMENDED BY ORDINANCE NO. 98179 PASSED AND APPROVED ON SEPTEMBER 18, 2003 BY EXTENDING THE COMPLETION DATE OF THE AGREEMENT FROM SEPTEMBER 30, 2004 TO SEPTEMBER 30, 2005.

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WHEREAS, pursuant to Ordinance No. 96693, the City of San Antonio entered into a General Operating Agency Agreement (the "Agreement") with the Greater Kelly Development Authority ("GKDA") for the distribution of \$2,149,000.00 to be used to fund six capital projects at KellyUSA; and

WHEREAS, the Agreement contains a scope of work that provides for \$215,000.00 to be used for the purpose of improving the entrance to KellyUSA and \$276,000.00 to be used to improve New Laredo Highway and provides a termination date of September 30, 2003 for all projects to be completed; and

WHEREAS, pursuant to the passage of Ordinance No. 98179 the City and GKDA agreed to amend the Agreement to allow for the reallocation of \$491,000.00 initially intended to fund improvements to the entrance to KellyUSA and New Laredo Highway and redirecting said funds to provide for the preliminary planning, engineering, design development, and production of final construction drawings and specifications to extend Cupples Road, thereby decreasing the number of projects to be completed through the Agreement from six to five and also extending the term of the Agreement by one year, to terminate on September 30, 2004; and

WHEREAS, two of the five projects, including the Cupples Road extension, will not be completed by the contract's termination date due to on-going master plan and land planning designs for KellyUSA redevelopment; and

WHEREAS, GKDA has requested, and the City staff is recommending, that the Agreement be extended by an additional year to provide for the completion of the remaining two projects; and

WHEREAS, the City's assistance to GKDA is consistent with the implementation of the City's strategic initiatives for economic development by promoting the redevelopment of KellyUSA; **NOW THEREFORE:**

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

SECTION 1. A Second Amendment to the General Operating Agency Agreement with GKDA extending the term of the Agreement by one year, to terminate on September 30, 2005, is hereby approved. A copy of the Second Amendment is attached to this Ordinance as Exhibit "A" and made a part hereof.

SECTION 2. The City Manager or her designee is hereby authorized for 60 days following the effective date of this Ordinance to execute a Second Amendment to the General Operating Agency Agreement between City and GKDA first entered into pursuant to Ordinance No. 96693, as amended by Ordinance No. 98179.

SECTION 3. This ordinance shall be effective on and after the tenth (10th) day following the passage hereof.

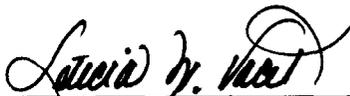
PASSED AND APPROVED this 23rd day of SEPTEMBER 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney