

AN ORDINANCE 2011-08-04-0619

AUTHORIZING THE SECOND AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE ALAMO REGIONAL MOBILITY AUTHORITY EXTENDING THE TERM OF LOAN REPAYMENT OF \$500,000.00 PLUS INTEREST FOR AN ADDITIONAL ONE-YEAR TERM TO SEPTEMBER 1, 2012.

* * * * *

WHEREAS, a Bexar County Resolution No. 2003-36-32 was passed on August 12, 2003 to petition for the creation of a regional mobility authority; and

WHEREAS, on October 19, 2003, City Council approved the Resolution to form a regional mobility authority for Bexar County and the San Antonio Metropolitan Area; and

WHEREAS, the Texas Transportation Commission authorized the creation of the Alamo Regional Mobility Authority (hereinafter, AlamoRMA) on December 18, 2003; and

WHEREAS, the AlamoRMA is a local transportation authority that can construct, operate and maintain other transportation projects, as well as, finance road construction by selling bonds and using toll fees to retire the debt, it also allows communities to decide priority transportation projects and take the initiative to seek funding alternatives to complete projects sooner; and

WHEREAS, an Interlocal Agreement was approved by Ordinance No. 100587 dated March 24, 2005 which provided for a \$500,000 loan to the AlamoRMA to assist in its organization efforts such as staffing, office space rent and associated expenses, consultant services, planning and public relations; and

WHEREAS, an Amendment to the Interlocal Agreement was authorized by Ordinance No. 2010-10-14-0899 to extend the term of repayment for a one year period; and

WHEREAS, this Ordinance authorizes a Second Amendment to the Interlocal Agreement with AlamoRMA to include repayment of loan provisions and extends the term of the re-payment of \$500,000.00 plus interest for an additional one year term from September 1, 2011 to September 1, 2012; **NOW THEREFORE**,

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

SECTION 1. The City Manager or her designee is hereby authorized to execute a Second Amendment to the Interlocal Agreement with the AlamoRMA to extend the term of loan repayment of \$500,000.00 plus interest for an additional one year term from September 1, 2011 to September 1, 2012. A copy of the Amendment is attached and incorporated herein as **Attachment I.**

SECTION 2. Interest will continue to be recognized at the rate of 2.97% simple interest per annum from the deposit date each succeeding year of the loan during the extension of the repayment period with the Alamo Regional Mobility Authority.

SECTION 3. The City staff is hereby directed to establish a committee to 1) evaluate and study how the AlamoRMA interrelates with the other transportation agencies in the AlamoRMA area, 2) summarize the AlamoRMA enabling legislation, its structure and its short term and long term plans, and 3) provide recommendations to the City Council regarding proposed policy and future actions by the City Council related to the AlamoRMA not later than March 1, 2012.

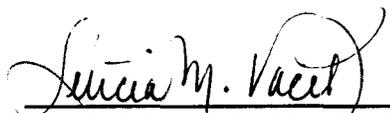
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project 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

SECTION 5. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 4th day of August, 2011.


M A Y O R
Julián Castro

ATTEST:

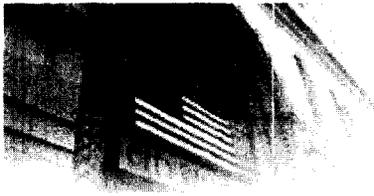


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

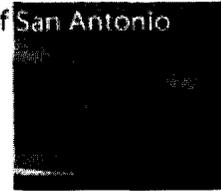


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 27

Name:	27						
Date:	08/04/2011						
Time:	11:16:45 AM						
Vote Type:	Other: Staff Develop Comm To Evaluate						
Description:	An Ordinance authorizing the second amendment to an Interlocal Agreement with the Alamo Regional Mobility Authority allowing the City of San Antonio to extend the term of loan repayment of \$500,000.00 plus interest for an additional one-year term to September 1, 2012. [Sharon De La Garza, Assistant City Manager; Majed A. Al Ghafray, Director, Public Works]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				

**SECOND AMENDMENT TO
INTERLOCAL AGREEMENT WITH
ALAMO REGIONAL MOBILITY AUTHORITY**

The City of San Antonio, a Texas Municipal Corporation, (hereinafter referred to as “**CITY**”) presently has an existing Interlocal Agreement, as amended, (hereinafter referred to as the “**AGREEMENT**”) with the Alamo Regional Mobility Authority, a Regional Mobility Authority, (hereinafter referred to as “**AlamoRMA**”). The **AGREEMENT**, as amended, provides for a loan at rate of 2.97% simple interest per annum from the deposit date of each succeeding year on the amount of \$500,000.00 from the **CITY** to the **AlamoRMA** with a date for repayment of September 1, 2011, for the purpose of assisting the **AlamoRMA** in its organization efforts approved by City Council on March 24, 2005 through Ordinance No. 100587, as amended by the First Amendment to the Interlocal Agreement with Alamo RMA and approved by Ordinance No. 2010-10-14-0899 on October 14, 2010 and **AlamoRMA** Resolution No. 10-34 passed and approved on October 14, 2010.

AMENDMENT

This Second Amendment entered into by and between the **CITY** acting by and through its designated representative pursuant to Ordinance No. _____ passed and approved on August 4, 2011 and the **AlamoRMA** acting by and through its Board of Directors pursuant to Resolution No. 11-10 passed and approved on August 11, 2011, is effective on _____ 2011. The undersigned hereby agree to the Second Amendment of the **AGREEMENT** as herein set forth:

1. This Second Amendment of the **AGREEMENT**, as amended, is hereby amended to extend the period in which loan repayment must be made.

2. Article II. of the **AGREEMENT**, as amended, entitled “**FINANCIAL ASSISTANCE**,” provision 2.03 is hereby amended, deleted, replaced and/or modified as follows:

“Provision 2.03 is amended by deleting its third paragraph beginning with the word “Notwithstanding” and ending with the words and figures “September 1, 2011”, and shall be replaced with the following paragraph:

Notwithstanding any other provision contained in this **AGREEMENT**, (a) the Loan funds shall be utilized to enhance the health and welfare of the citizens of the City and to further the goal of efficient transportation in the City, and (b) **AlamoRMA** shall repay the Loan in full, including any interest due thereon, **no later than September 1, 2012.**”

3. This Second Amendment to the **AGREEMENT** shall not prejudice any present or future rights, remedies, benefits, or powers belonging or accruing to **CITY** under the terms of the **AGREEMENT** herein amended.

4. Except as provided otherwise herein, the AGREEMENT shall remain unaffected, unchanged, and unimpaired by reason of the foregoing Second Amendment.

Second Amendment AGREED TO on this the ____ day of _____, 2011.

CITY OF SAN ANTONIO, A TEXAS
MUNICIPAL CORPORATION:

ALAMO REGIONAL MOBILITY
AUTHORITY:

By: _____
City Manager

By: _____
Executive Director

APPROVED:

City Attorney

Amendment to Interlocal Agreement with the Alamo Regional Mobility Authority

Agenda Item # 27
August 4, 2011

Action Requested

- **An ordinance approving a second amendment to the existing Interlocal Agreement with the Alamo Regional Mobility Authority to extend the term of the loan repayment to the City for an additional one-year period.**

Background

- The 2005 Interlocal Agreement provided a \$500,000 loan from the City to the Alamo Regional Mobility Authority (ARMA) to assist with start-up expenses.
- The loan was to be repaid, with interest, no later than September 1, 2010 at an annual compounded interest of 2.97%.
- In 2010, the ILA was amended to provide the ARMA with a one year loan extension.
- With interest, the loan payment due on September 1st, 2011 would have been \$599,087.25.

Background

- The ARMA requested that the loan repayment date be extended “until such time as it has available revenues for repayment.”

ILA Amendment

- This Second Amendment extends the term of re-payment for an additional one-year period.
 - New due date is September 1, 2012
 - Interest will continue to accrue in the interim
- As part of the amendment, the ARMA is expected to identify funding sources necessary to ensure repayment of this loan by the new due date.

Recommendation

- Staff recommends approval of the amendment to the existing Interlocal Agreement with the ARMA which extends the term of the loan repayment for an additional one-year period.