

AMENDMENT NO. 1  
TO  
FUNDING AGREEMENT BETWEEN  
THE CITY OF SAN ANTONIO AND  
ALAMO COLLEGES DISTRICT

This Amendment (“Amendment”) to the 2023 Funding Agreement (“2023 Funding Agreement”) for the Aquatic Center and Multigenerational Recreation Facility at Palo Alto (“Project”) between the City of San Antonio, a Texas municipal corporation (hereafter referred to as “City”), acting by and through its City Manager, and Alamo Colleges District (“Grantee”) acting by and through its authorized representative, is entered into between City and Alamo Colleges District, as set out below. The City and Grantee are referred to collectively herein as the "Parties".

RECITALS

WHEREAS, on June 18, 2020, through Ordinance 2020-06-18-0412, the San Antonio City Council (“City Council”) authorized the execution of a funding agreement totaling \$5,300,000 from the 2017 Bond Program with Grantee for improvements to the Aquatic Center (“Aquatic Center”) at Palo Alto College. The scope of the project authorized by the 2020 Funding Agreement included extensive renovations of the existing Natatorium at Palo Alto College; and

WHEREAS, the voter approved 2022 City of San Antonio Bond Program included \$10,000,000 for a Multigenerational Recreational Facility at Palo Alto College;

WHEREAS, based on information available to the Grantee at the time, Grantee requested a change to the 2020 Funding Agreement, allowing for the scope of the Natatorium project to be changed from a renovation to a demolition and construction of a new Aquatic Center. City agreed with Grantee’s proposal based on the initial assessments available to the Parties; and

WHEREAS, on September 7, 2023, through Ordinance 2023-09-07-0613, the San Antonio City Council (“City Council”) cancelled the 2020 Funding Agreement and combined the 2017 and 2022 Bond Projects to fund the construction of a new Project named the New Aquatic Center and District 4 Multigenerational Recreation Facility at Palo Alto College; and

WHEREAS, through Ordinance 2023-09-07-0613, City Council further authorized the execution of a new Funding Agreement (“2023 Funding Agreement”) totaling \$15,300,000 with Grantee. The 2023 Funding Agreement combined the 2017 and 2022 Bond Project funding and authorized its expenditure on the construction of the New Aquatic Center and District 4 Multigenerational Recreation Facility at Palo Alto College; and

WHEREAS, Alamo Colleges District has now determined that it is no longer necessary to demolish the existing Natatorium, and that renovation of the existing Natatorium can be accomplished within the Project budget. The Parties agree to amend the Agreement by substituting a new scope of work that renovates the existing Natatorium instead of demolition and construction of a new aquatic center; and

WHEREAS, a new Scope of Work and a new Project Budget have been developed and are attached as Exhibits 1 and 2 to this amendment. The funding amount provided by the City has not changed.

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained and in consideration of other goods and valuable consideration, each to the other given, the sufficiency and receipt of which hereby are acknowledged, the Funding Agreement is amended as follows:

1. Incorporation of Recitals. The recitals to this Amendment are incorporated as if fully set forth herein.
2. Description of the Project. The Project is now described as “Renovation of the Aquatic Center and District 4 Multigenerational Recreation Facility”.
3. Paragraph 4.03 of Article IV. OWNERSHIP, USE OF OPERATIONS is amended to now read “The Project improvements shall facilitate the renovation of the existing Aquatic Center and District 4 Multigenerational Recreation Facility in accordance with the Plans and provide for its continued operation during the entire term that the City bonds issued to finance the City’s contribution to the Project remain outstanding.”
4. Paragraph 12.01 of Article XII. INSURANCE & BONDS is amended to now read:  
12.01 No later than the start of the project, Grantee must provide a completed Certificate of Insurance to the City’s Public Works Department Contract Compliance Division. The certificate must be:
  - Clearly labeled with the “Aquatic & Multigen Center Renovation at Palo Alto” in the Description of Operations block;
  - Completed by an agent and signed by a person authorized by the insurer to bind coverage on its behalf (City will not accept Memorandum of Insurance or Binders as proof of insurance);
  - Properly endorsed and have the agent’s signature, and phone number,

Certificates may be mailed or sent via email, directly from the insurer’s authorized representative, City shall have no duty to pay or perform under this Agreement until such certificate and the endorsements have been received and approved by the City’s Public Works Department Contract Compliance Division. No officer of employee, other than the City’s Risk Manager, shall have authority to waive this requirement.

5. Paragraph 12.02 of XII. INSURANCE & BONDS is amended to replace the City’s contact information as follows:

City of San Antonio  
Attn: Public Works Department  
Contract Compliance Division  
P.O. Box 839966  
San Antonio, Texas 78283-3966

6. Exhibit A SCOPE is amended and replaced with an updated scope of work attached as Exhibit 1.

7. Exhibit C PROJECT BUDGET is amended and replace with an updated project budget attached as Exhibit 2.

Except as amended hereby, all other provisions of the Agreement and corresponding Amendments are hereby retained in their entirety and remain unchanged.

**EXECUTED** and **AGREED** on this date: \_\_\_\_\_.

**CITY OF SAN ANTONIO**

**ALAMO COLLEGES DISTRICT**

\_\_\_\_\_  
(Signature)

John Peterek  
Interim Assistant City Manager

*Dr. Thomas Cleary*

\_\_\_\_\_  
(Signature)

Dr. Tom Cleary  
Interim Vice Chancellor For  
Finance and Administration

**APPROVED:**

*[Signature]*

\_\_\_\_\_  
(Signature)

Dr. Robert Garza  
President, Palo Alto College

**APPROVED AS TO FORM:**

*Ross Laughhead*

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

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Counsel for Alamo Colleges District