

ORDINANCE

APPROVING THE FIRST AMENDMENT TO THE FUNDING AGREEMENT BETWEEN THE MIDTOWN #31 BOARD OF DIRECTORS, THE CITY OF SAN ANTONIO, AND THE WITTE MUSEUM FOR AN AMOUNT NOT TO EXCEED \$570,000 FOR ADDITIONAL ADA IMPROVEMENTS TO THE WITTE MUSEUM LOCATED IN COUNCIL DISTRICT 2.

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WHEREAS, in accordance with the Tax Increment Financing Act (the “Act”), Chapter 311 of the Texas Tax Code, the City of San Antonio through Council Ordinance No. 2008-12-11-1134, established Tax Increment Reinvestment Zone Number Thirty-One, known as the Midtown TIRZ, and a Board of Directors (“Board”) authorized with all the rights, powers, and duties provided by the Act, in order to promote development and revitalization activities within the TIRZ; and

WHEREAS, The Witte Museum and the City entered into a Funding Agreement for The Witte Museum (the “Agreement”), which was authorized by City of San Antonio Ordinance No. 2022-02-10-0093, passed and approved on February 10, 2022; and

WHEREAS, in December 2022, the City of San Antonio applied for additional funding from the City’s Tax Increment Financing Program (“TIF”) to undertake necessary capital and infrastructure improvements at The Witte Museum, 3801 Broadway St, San Antonio, Texas 78209, located within the boundaries of the Midtown TIRZ and City Council District 2; and

WHEREAS, the proposed funding of \$500,000 will be utilized for ADA Improvements to complete the Witte Museum Project; and

WHEREAS, additionally the entire Witte Museum Project will be overseen by the Public Works Department on behalf of the City, which requires an additional \$70,000 in capital administration fees; and

WHEREAS, in accordance with Section 311.010(b) of the Act, the City is authorized to enter into agreements to dedicate revenue from the tax increment fund to reimburse for eligible project costs that benefit the Midtown TIRZ; and

WHEREAS, the City desires to provide financial incentives for development and revitalization projects that benefit the City and the Midtown TIRZ and must now authorize the execution of the First Amendment to the Agreement, attached hereto in substantially final form as **Exhibit A**; **NOW THEREFORE**,

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

SECTION 1. The terms and conditions of the First Amendment to the Funding Agreement for The Witte Museum by and between The Witte Museum and the Board of Directors of Tax Increment Reinvestment Zone #31, attached hereto as **Exhibit A**, are hereby approved.

SECTION 2. The City Manager or his designee is authorized to execute this Agreement, which has been incorporated into this Ordinance for all purposes.

SECTION 3. TIF Department staff is hereby authorized to amend the Midtown TIRZ Project and Finance Plans to include this Project.

SECTION 4. The amount of \$570,000.00 is appropriated in Fund 29086024 TIRZ Midtown #31 and is authorized to be transferred to Fund 40099000 Other Capital Projects, WBS 23-01841-90-25-01, GL 6101100 Transfer In.

SECTION 5. The budget in Project 23-01841 Witte Museum – Auditorium Renovation shall be revised by increasing the WBS Elements and GL Accounts by the amounts in the tables below each totaling \$570,000.00.

WBS	GL	AMOUNT
23-01841-90-25-01	6101100	\$570,000.00
TOTAL		\$570,000.00

WBS	GL	AMOUNT
23-01841-05-01-01	5402030	\$47,000.00
23-01841-05-01-01	5402050	\$23,000.00
23-01841-05-02-xx	5201140	\$500,000.00
TOTAL		\$570,000.00

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. This Ordinance is effective immediately upon passage by eight affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED and APPROVED this 16th day of February, 2023.

TR
2/16/2023
Item No. 23-189748

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

TR
2/16/2023
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EXHIBIT A