

**CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Malcolm Matthews, Director, Parks and Recreation Department

SUBJECT: McAllister Park Little League Agreement

DATE: June 23, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance will amend the current license agreement at McAllister Park in City Council District 9 between the City of San Antonio and McAllister Park Little League, Inc. to add approximately 22.56 acres to the lease area.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Athletic organizations request to develop and utilize City property through long-term lease arrangements in order to provide practice and game fields for their league play. In exchange, the organizations provide venues for youth sports and maintain the specified park areas at their own expense. Included in the 2003 Bond program, funds are available for youth sports fields in McAllister Park. The McAllister Park Little League (MPLL) lease area will be one of the locations for the bond improvements and the lease area will need to be expanded to accept those improvements.

The MPLL has had a license in effect at McAllister Park since 1977. The original license agreement was for use and maintenance of 13.603 acres in a low area in the park. It was expanded in 1991 to include an additional area of 24.38 acres on higher elevation. The current license agreement term is from September 1, 2001 through August 31, 2006 and it contains one automatic five-year term extension. The proposed amendment will add an additional 22.56 acres to the license area for a total of 60.543 acres, so that additional fields may be constructed outside of a low-lying area currently utilized. Recent completion of San Antonio River Authority detention dam improvements have increased the occurrence of standing water in the existing lower area lease space. By increasing the higher elevation lease area, the league will eventually be able to relocate fields to the higher elevation tract. All other agreement terms remain the same.

The agreement specifies that MPLL has priority use of the fields on the dates identified on a written use schedule submitted to the Parks and Recreation Department. MPLL is permitted to

operate a concession, as long as the proceeds benefit MPLL. The group is responsible for maintenance of the fields and premises during the term of the agreement. The responsible party for the future operation of the bond improvements has not been determined (either City or MPLL).

POLICY ANALYSIS

This action follows the long standing City policy of providing access to public parks for athletic organizations as a means of providing recreation programs for youth in San Antonio.

FISCAL IMPACT

There will be a minimal reduction to the City's General Fund through this lease agreement, due to reduced City-maintained area.

COORDINATION

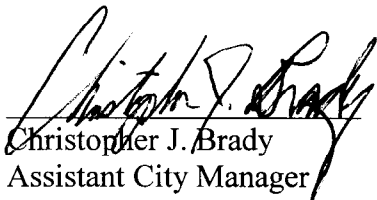
This action has been coordinated with the City Attorney's Office.

SUPPLEMENTARY COMMENTS

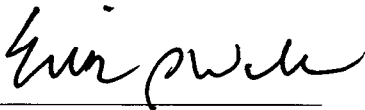
A Discretionary Contracts Disclosure statement is attached from MPLL.



Malcolm Matthews
Director of Parks and Recreation



Christopher J. Brady
Assistant City Manager



J. Rolando Bono
Interim City Manager

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**FIELD USE AND MAINTENANCE LICENSE AGREEMENT
MCALLISTER PARK LITTLE LEAGUE, INC
AMENDMENT NO. 1**

The City of San Antonio, hereinafter called "City", entered into a contract with McAllister Park Little League, Inc. hereinafter called "League", pursuant to Ordinance No. 94448, passed and approved by the City Council of the City of San Antonio on August 30, 2001. Both the City and League wish to amend said contract and hereby agree to the following amendments to said contract to be effective June 30, 2005:

1) Section 2.1 is amended to read as follows:

"5.1.1 CITY hereby designates LEAGUE as the primary user and maintainer of approximately **60.543** acres of fields in McAllister Park being part of N.C.B. 13752, San Antonio, Bexar County, and LEAGUE hereby accepts such obligations and agrees to perform such services and duties as required hereinafter."

2) Section 3.1 is amended to read as follows:

"3.1 CITY, for and in consideration of the mutual benefits to CITY and LEAGUE and the observance of the terms and conditions set forth hereinafter, hereby grants to LEAGUE permission to enter and use, without payment of CITY'S established field use fee, the premises described in **EXHIBITS A, B, and C** which are attached hereto and incorporated by reference herein. Such free use shall also apply to any fields added in the future pursuant to paragraph 2.2 hereinbefore.

All other terms and conditions of the current agreement remain in full force and effect.

Executed this _____ day of _____, 2005.

MCALLISTER PARK LITTLE LEAGUE, INC

Joe Theis, President

CITY OF SAN ANTONIO

J. Rolando Bono, Interim City Manager

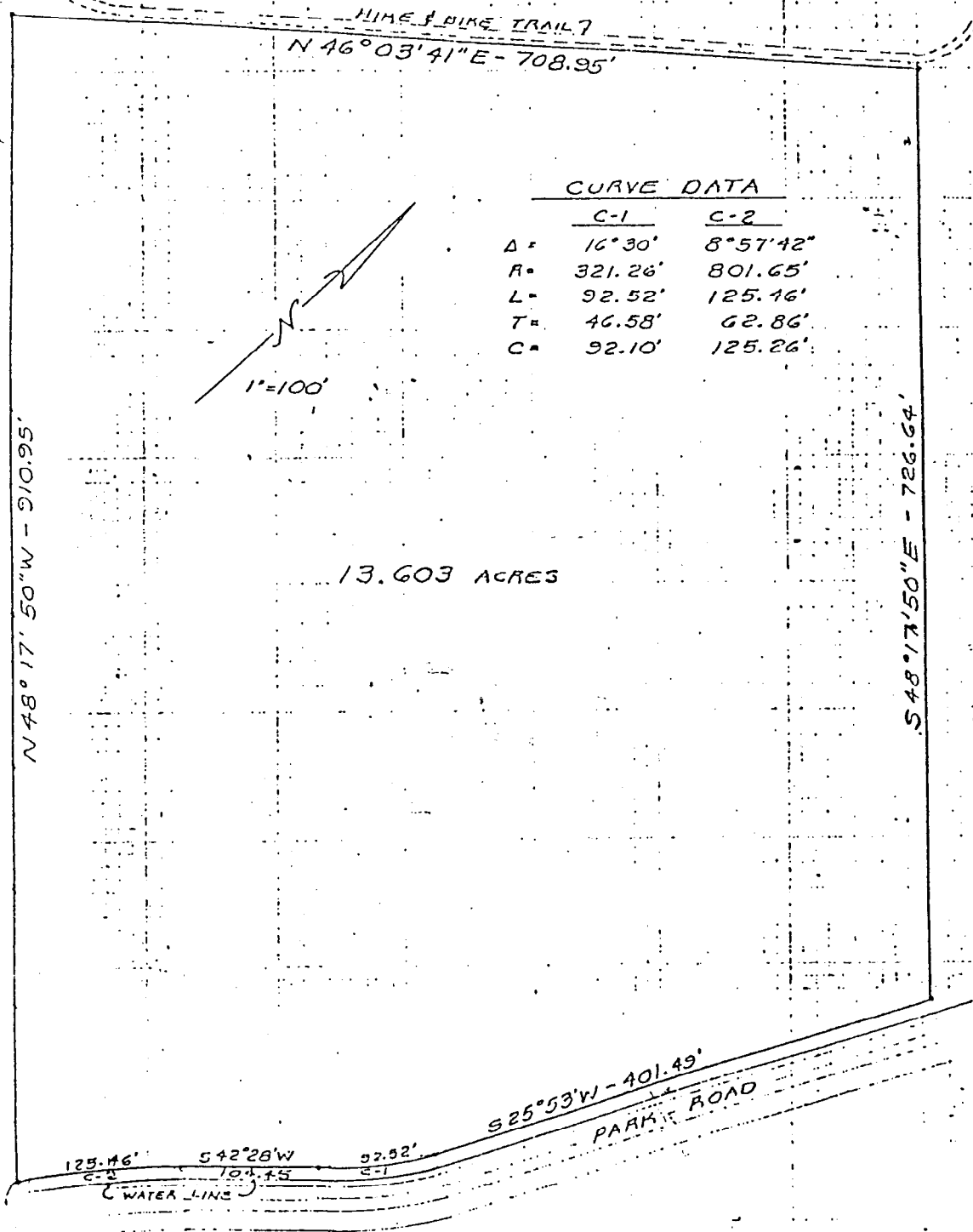
ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

McAllister Park Little League License Areas
ATTACHMENT A



CURVE DATA

	C-1	C-2
Δ =	16° 30'	8° 57' 42"
R =	321.26'	801.65'
L =	92.52'	125.16'
T =	46.58'	62.86'
C =	92.10'	125.26'

PLAT SHOWING:

A 13.603 ACRE TRACT
OUT OF A 137.192 ACRE
TRACT AS RECORDED IN
IN VOLUME 5617 PAGE
948, BEXAR COUNTY,
TEXAS (N.C.B. 13733)

Reference

STATE OF TEXAS
COUNTY OF

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT
ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER
MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR
ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT
ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS
SHOWN ABOVE.

This _____ day of _____, 19____ A. D.

Field Book _____ Page _____

Job No. _____

MC ALLISTER PARK

FORM 8-50 REVISED

H. R. CRUZ B-3-77

EXHIBIT A

McAllister Park Little League License Areas
ATTACHMENT A

A 13.603 ACRE TRACT OUT OF McALLISTER
PARK, AND BEING OUT OF A 137.192 ACRE
TRACT AS RECORDED IN VOLUME 5617 PAGE
948 OF THE DEEP RECORDS OF BEXAR COUNTY,
TEXAS

BEGINNING at a point on the west line of a Park Road (50' R.O.W.)
and south line of said 137.192 acre, said point being
N 48°17'50"W - 157.00' from the southeast corner of
said 137.192 acre tract;

THENCE: along the south line of said 137.192 acre tract,
N 48°17'50"W - 910.95' to a point for the southwest
corner of this tract;

THENCE: N 46°03'41"E - 708.95' to a point for the northwest
corner of this tract;

THENCE: S 48°17'50"E - 726.64' to a point on the west line of a
park road (50' R.O.W.) for the northeast corner of
this tract;

THENCE: along the west line of said park road as follows:
S 25°53'W - 401.49' to a point on a curve to the right

THENCE: along said curve, having a radius of 321.26 and which
chord bears; S 54°31'18"W - 92.10; a distance of 92.52'
to a point;

THENCE: S 42°28'00"W - 104.45' to a point on a curve to the left;

THENCE: along said curve, having a radius of 801.65 and which
chord bears: S 36°43'48" - 125.26', a distance of 125.46'
to the point of beginning and containing 13.603 acres of
land, more or less.

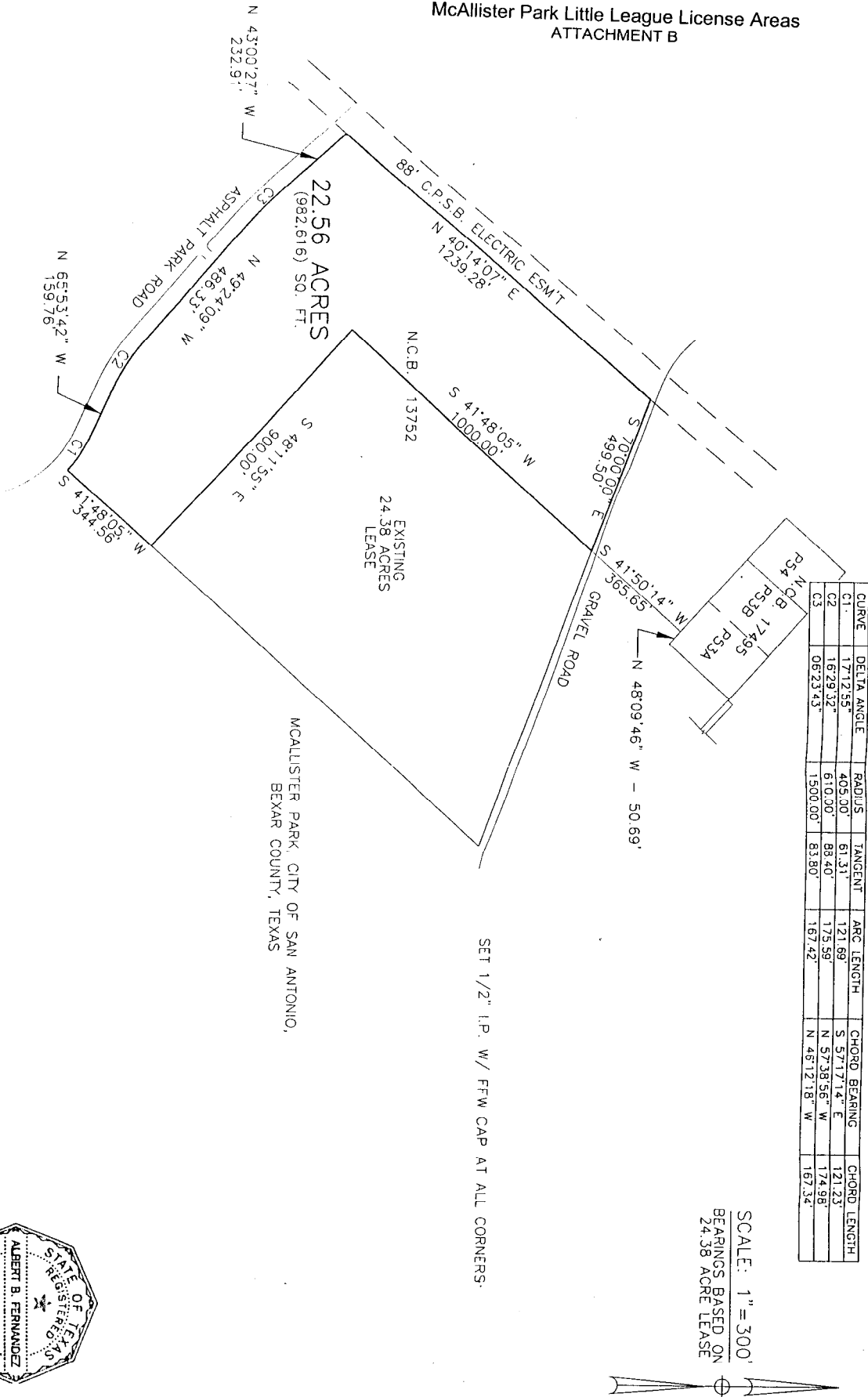
H.R.C./dd

August 3, 1977

MCALLISTER PARK LITTLE LEAGUE, INC.
NCB 13733

EXHIBIT A

McAllister Park Little League License Areas
ATTACHMENT B



PLAT SHOWING:

22.56 ACRE LEASE



FERNANDEZ FRAZER WHITE & ASSOCIATES, INC
CIVIL ENGINEERS / SURVEYORS

210/377-0774

SAN ANTONIO, TEXAS 78216

REVISED	
DATE	04/15/05
PROJECT NO.	3322
SHEET	1
OF	1 SHEETS

McAllister Park Little League License Areas
ATTACHMENT B

Metes and Bounds Description
22.56 Acre Lease

A 22.56 acre tract being out of NCB 13752, Bexar County, City of San Antonio, Texas and in McAllister Park and being more fully described by metes and bounds as follows:

Beginning at a point being the most northerly corner of an existing 24.38 acre Lease, said Point of Beginning bears from the southwest corner of Lot P-53A, NCB 13752, Bexar County, Texas, the following calls:

N 48° 09' 46" W, 50.69 feet;
S 41° 50' 14" E, 365.65 feet to the Point of Beginning for the most northeasterly corner of herein described tract;

Thence, along the northwest and southwest line of said 24.38 acre Lease, the following calls:

S 41° 48' 05" W, 1,000.00 feet to a set ½ "iron pin with FFW cap;
S 48° 11' 55" E, 900.00 feet to a set ½ "iron pin with FFW cap
for the southeasterly corner of this tract;

Thence, S 41° 48' 05" W, 344.56 feet along a line to a set ½ " iron pin with FFW cap for the most southerly corner of this tract;

Thence, along a line, the following calls:

In a northwesterly direction, 121.69 feet along a curve to the left, having a central angle of 17° 12' 55", a tangent of 61.31 feet, a radius of 405.00 feet, a chord bearing of S 57° 17' 14" E, and a chord length of 121.23 feet to a set ½ "iron pin with FFW cap;

N 65° 53' 42" W, 159.76 feet to a set ½ "iron pin with FFW cap;
In a northwesterly direction, 175.59 feet along a curve to the right, having a central angle of 16° 29' 32", a tangent of 88.40 feet, a radius of 610.00 feet, a chord bearing of N 57° 38' 56" W, and a chord length of 174.98 feet to a set ½ "iron pin with FFW cap;

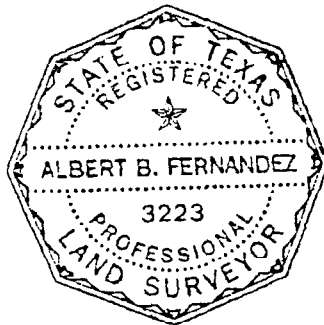
N 49° 24' 09" W, 486.33 feet to a set ½ "iron pin with FFW cap;

In a northwesterly direction, 167.42 feet along a curve to the right, having a central angle of $06^{\circ} 23' 43''$, a tangent of 83.80 feet, a radius of 1500.00 feet, a chord bearing of $N 46^{\circ} 12' 18'' W$, and a chord length of 167.34 feet to a set $\frac{1}{2}$ "iron pin with FFW cap for the most westerly corner of this tract;

$N 43^{\circ} 00' 27'' W$, 232.91 feet to a set $\frac{1}{2}$ "iron pin with FFW cap;

Thence, $N 40^{\circ} 14' 07'' E$, 1,239.28 feet along the southeast line of an 88 foot C.P.S.B. Electric easement to a set $\frac{1}{2}$ "iron pin with FFW cap for the northwest corner of this tract;

Thence, $S 70^{\circ} 00' 00'' E$, 499.50 feet along a line to the Point of Beginning and containing 22.56 acres (982,616 sq. ft.) of land, more or less.



Albert B Fernandez

Albert B. Fernandez, R.P.L.S.
April 20, 2005

McAllister Park Little League License Areas
ATTACHMENT B

Site of 24.38 acres at McAllister Park, City of San Antonio, Bexar County NCB 13752.

From a fence post being the south west corner of Lot P-53A NCB 13752

Thence N $48^{\circ} - 11' - 55''$ W - 50.00 along the west line of Lots P-53A - P-53B and Lot P-54.

Thence S $41^{\circ} - 48' - 05''$ E - 365.09
To Point of Beginning of the 24.38 acres lease site

Thence S $41^{\circ} - 48' - 05''$ E - 1000.00

S $48^{\circ} - 11' - 53''$ E - 900.00

N $41^{\circ} - 48' - 05''$ W - 1360.00

Thence N $70^{\circ} - 00' - 00''$ W - 969.33

To Point of Beginning and Containing 24.38 acres

McAllister Park Little League License Areas

ATTACHMENT C



City of San Antonio
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity¹ that is a **party** to the discretionary contract:

(2) Identify any individual or business entity which is a **partner, parent** or **subsidiary** business entity, of any individual or business entity identified above in Box (1):

☒ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

(3) Identify any individual or business entity that would be a **subcontractor** on the discretionary contract.

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any **lobbyist** or **public relations firm** employed by any party to the discretionary contract for purposes related to seeking the discretionary contract.

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law. A sole proprietor should list the name of the individual and the d/b/a, if any.

(5) Political Contributions

List all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made to any *current* or *former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under Box (1), (2), (3) or (4) above, or by the officers, owners of any business entity listed in Box (1), (2) or (3):



No contributions made; If contributions made, list below:

By Whom Made:	To Whom Made:	Amount:	Date of Contribution:

(6) Disclosures in Proposals

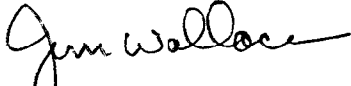
Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.



Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed, whichever occurs first.

Signature:  Jim Wallace	Title: President Company or D/B/A: McAllister Park Little League	Date: June 13, 2005
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² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

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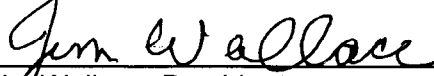
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Executed this _____ day of _____, 2005.

MCALLISTER PARK LITTLE LEAGUE, INC



Jim Wallace, President

CITY OF SAN ANTONIO

J. Rolando Bono, Interim City Manager

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney