

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

AUTHORIZING A SUBLEASE AGREEMENT WITH THE SAN ANTONIO MUSEUM ASSOCIATION D/B/A THE WITTE MUSEUM (WITTE) FOR A PORTION OF PROPERTY OWNED BY THE WITTE FOR USE AS A CENTRAL PLANT PROVIDING HEATING AND COOLING SERVICES TO THE WITTE CAMPUS AND APPROVING AMENDMENT NO. 5 TO THE CITY'S MASTER LEASE AGREEMENT.

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WHEREAS, the San Antonio Museum Association d/b/a The Witte Museum (Witte) is a non-profit organization whose mission is to promote lifelong learning through innovative exhibitions, programs and collections in natural history, science and South Texas heritage; and

WHEREAS, the Witte, which first opened in 1923, has an average of 350,000 visitors annually including approximately 150,000 school aged children; and

WHEREAS, the established Witte Master Plan includes expansion in three main phases: 1) South Texas Heritage Center and the Witte Research Center; 2) the new Witte; and 3) World of Water; and

WHEREAS, Phase I is complete, and Phase II, the new Witte, is currently under construction and includes renovations and additions to the existing City-owned facility leased to the Witte through 2062, which serves as the main building with gallery space; and

WHEREAS, to facilitate the vision of the Master Plan including renovations and upgrades to the main building, the Witte will consolidate its physical utilities plant on a portion of land privately-owned by the Witte Title Company adjacent to the City's property; and

WHEREAS, this will provide heating and cooling services to the main Witte campus including the South Texas Heritage Center; and

WHEREAS, in order to maintain the City's interest in heating and cooling services to the publicly owned museum space, the Witte will sublease the central plant to the City to coincide with its City Master Lease Agreement; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee, or the Director of the Department of Parks and Recreation or his designee, is authorized to execute a Sublease Agreement with the San Antonio

Museum Association d/b/a The Witte Museum (Witte) for a portion of property owned by the Witte for use as a central plant providing heating and cooling services to the Witte campus. A copy of the agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The City Manager or her designee, or the Director of the Department of Parks and Recreation or his designee, is authorized to execute amendment No. 5 to the City's Master Lease Agreement with the San Antonio Museum Association d/b/a The Witte Museum (Witte). A copy of the amendment, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment II**.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations 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 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney