

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 LICENSE AGREEMENT WITH BORN AGAIN SPORTS, INC. FOR USE, MAINTENANCE, AND OPERATION OF A BASEBALL COMPLEX CONSISTING OF SEVEN FIELDS AT SOUTHSIDE LIONS PARK FOR AN INITIAL FIVE YEAR TERM.

* * * * *

WHEREAS, in 2008, Bexar County voters approved an extension of the 1999 hotel occupancy and short term motor vehicle rental tax, referred to as the visitor or venue tax; and

WHEREAS, approximately \$3.3 million from the venue tax was provided for the development of a baseball complex in Southside Lions Park which consists of seven baseball fields, paved parking, and concession and restroom structures; and

WHEREAS, these improvements were constructed to better serve youth recreational needs of southeast San Antonio as well as provide a facility suitable for regional tournaments; and

WHEREAS, the tenant who previously operated the baseball complex retired this past Spring, and the City utilized a discretionary public process to select a new tenant for the use, maintenance, and operation of the baseball complex; and

WHEREAS, the City issued a Request for Qualifications (RFQ) titled "License of Sports Fields at Southside Lions Park" (RFQ 15-066) on June 12, 2015, with a submission deadline of July 13, 2015; and

WHEREAS, five proposal responses were received, which were scored on July 30, 2015; and

WHEREAS, the scoring identified three finalists which the evaluation committee agreed to interview for final scoring on August 5, 2015; and

WHEREAS, the evaluation committee consisted of representatives from the Parks and Recreation Department, Office of the Bexar County Manager, Bexar County Community Venues Program, and the Finance Department, Purchasing Division who assisted with solicitation process guidelines; and

WHEREAS, the proposals were evaluated based on the firm's background, qualifications, experience, the proposed operating and maintenance plans, and the operating budget; and

WHEREAS, the evaluation of each proposal response was based on a total of 100 points - 30 points allotted for experience, background, qualifications; 25 points allotted for proposed operating

and staffing plan; 30 points allotted for proposed maintenance and improvements plan; and 15 points allotted for respondent's operating budget and planned revenue; and

WHEREAS, as the RFQ was limited to responses from non-profit entities, the Local Preference and Veteran-Owned Small Business Preference programs were not applicable; and

WHEREAS, additionally, the City's Small Business Economic Development Advocacy Program (SBEDA) does not apply and was not part of the scoring model; and

WHEREAS, after evaluation committee review and discussion, scores were finalized and the aggregate scores were presented to the committee; and

WHEREAS, Born Again Sports, Inc. received the highest ranking and was recommended for award by the evaluation committee; and

WHEREAS, the License Agreement shall have a five (5) year term which shall commence immediately upon execution by the parties; and

WHEREAS, three additional five-year renewals may be exercised with City Council approval; and

WHEREAS, consistent with other City Sports License Agreements, there will be no rent paid to the City; however, as consideration for use of the land, Born Again Sports, Inc. will have full maintenance responsibility of the facility; and

WHEREAS, other standard provisions include the tenant's retention of all revenue for the purpose of offsetting the cost of facility operation and maintenance including utilities, establishment of a capital improvement and repair fund, and use of the facility by other amateur sports groups subject to the tenant's own schedule and fees and policies; **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 Parks and Recreation Department or his designee, is authorized to execute a License Agreement with Born Again Sports, Inc. for use, maintenance, and operation of a baseball complex consisting of seven fields at Southside Lions Park for an initial five year term. A copy of the License Agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. 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.

SW/vv
xx/xx/xx
Item #15-4499

SECTION 3. 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