

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

AN ORDINANCE

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LICENSE AND LEASE AGREEMENT WITH THE SAN ANTONIO BOTANICAL GARDEN SOCIETY, INC., FOR PURPOSES OF SECURING NEW MARKET TAX CREDITS FINANCING FOR PHASE II OF THE MASTER PLAN FOR THE SAN ANTONIO BOTANICAL GARDEN, LOCATED IN CITY COUNCIL DISTRICT 2, AND APPROVING RELATED DOCUMENTS.

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WHEREAS, Chartered in 1980, the San Antonio Botanical Garden Society, Inc. (“SABGS”) is a non-profit organization specifically established in support of the San Antonio Botanical Garden (the “Garden”) located adjacent to Mahncke Park; and

WHEREAS, the City of San Antonio (the “City”) and SABGS have operated the Garden since 1981 and have detailed plans to transition the operation and management of the Garden to SABGS through a License and Lease Agreement; and

WHEREAS, through a public/private partnership with the City, the SABGS has completed major capital improvements at the Garden to include the Lucile Halsell Conservatory, the Sullivan Carriage House, the Auld House, revitalization of the Texas Native Trail, and acquired neighboring properties; and

WHEREAS, SABGS successfully completed fundraising for Phase I of the Master Plan which will open in the Fall of 2017 featuring new spaces such as a welcome building, discovery center with classrooms and an interpretive center, culinary garden, Family Adventure Garden, gift shop, display garden, gathering spaces and parking; and

WHEREAS, SABGS is requesting an Amendment to their License and Lease Agreement to facilitate New Market Tax Credits financing associated with completion of Phase II of their Master Plan; and

WHEREAS, the projected cost for Phase II is \$16.5M which underscores the Garden’s commitment to education, horticulture, community, culture, recreation, and conservation, to maximize the Garden’s impact to the community; and

WHEREAS, through this action, the License and Lease Agreement may not be terminated or modified without the consent of the New Market Tax Credits lender; and

WHEREAS, the City will not be obligated for any costs associated with these actions or the New Market Tax Credits Program financing; **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 hereby authorized to execute an Amendment to the License and Lease Agreement with the San Antonio Botanical Garden Society, Inc., for purposes of securing New Market Tax Credits financing for Phase II of the Master Plan for the San Antonio Botanical Garden, located in City Council District 2. A copy of the amendment 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.

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
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney