

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 A FUNDING AGREEMENT WITH THE SAN ANTONIO BOTANICAL GARDEN SOCIETY INC., IN AN AMOUNT NOT TO EXCEED \$1,200,000.00 AND AUTHORIZING PAYMENT, FOR THE BOTANICAL GARDENS IMPROVEMENT PROJECT, A 2012-2017 GENERAL OBLIGATION BOND PROGRAM PROJECT.

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WHEREAS, on May 12, 2012, San Antonio voters approved the 2012-2017 Bond Program, consisting of five propositions totaling \$596 Million; and

WHEREAS, as part of that program, \$1,200,000.00 in Parks, Recreation and Open Space Improvements General Obligation Bond funds were approved for park upgrades to be completed within select areas of the San Antonio Botanical Garden, as part of the San Antonio Botanical Garden Society Inc., improvement project; and

WHEREAS, Chartered in 1980, the San Antonio Botanical Garden Society, Inc., is the 501 (c)(3) non-profit support organization specifically established in support of the San Antonio Botanical Garden; and

WHEREAS, the mission of this organization is to support the San Antonio Botanical Garden in its role of inspiring people to connect with the world of plants and help them to understand the importance of plants in our lives; and

WHEREAS, in this partnership, the San Antonio Botanical Garden Society, Inc., has brought major capital improvements to the Botanical Garden such as: the Lucile Halsell Conservatory, the Sullivan Carriage House, the Auld House, acquisition of Funston Properties, Texas Native Trail Revitalization, upgraded children's facilities, extensive landscape lighting, and master planning; and

WHEREAS, as part of their continuing efforts to support, improve, educate and serve the City's growing community, the San Antonio Botanical Garden Society, Inc., intends to construct improvements within select areas of the garden including a new entrance, welcoming area and a learning and event center; and

WHEREAS, the City's 2012-2017 Bond Program will provide \$1.2 million, through a funding agreement, with the remainder of the funds coming from various fundraising efforts led by the San Antonio Botanical Garden Society, Inc; and

WHEREAS, the design and construction of such improvements is anticipated to take three-and-a-half years; and

WHEREAS, this funding agreement, between the City and the San Antonio Botanical Garden Society, Inc., will be executed in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract in an effort to maximize the amount of small, minority, and women-owned business participation on the contract; and

WHEREAS, the Goal Setting Committee set a 22% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 2% African American Business Enterprise (AABE) subcontracting goal; and

WHEREAS, the San Antonio Botanical Garden Society, Inc. has committed to 22% MWBE and 2% AABE subcontractor participation; **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 Transportation and Capital Improvements or his designee, is authorized execute a Funding Agreement with the San Antonio Botanical Garden Society, Inc., in an amount not to exceed \$1,200,000.00. A copy of the funding agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Payment not to exceed the amount of \$1,200,000.00 in SAP Fund 45099000, General Obligation Capital Project, SAP Project Definition 40-00339, Botanical Gardens, is authorized to be encumbered and made payable to the San Antonio Botanical Garden Society, Inc., for improvements to select areas of the botanical gardens.

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.

SW/vv
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Item #14-3145

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:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney