

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 \$1,000,000.00 FOR THE BOTANICAL GARDEN FAMILY ADVENTURE GARDEN, A 2015 GRANT FUNDED PROJECT FROM THE TEXAS PARKS AND WILDLIFE URBAN OUTDOOR RECREATION GRANT PROGRAM.

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WHEREAS, on August 21, 2014, City Council approved the submission of a grant application and acceptance upon award of up to \$1,000,000.00; and

WHEREAS, on January 22, 2015, the Texas Parks and Wildlife Commission approved \$1,000,000.00 grant that will be used toward construction of the Family Adventure Garden at the San Antonio Botanical Garden; and

WHEREAS, the City-owned Botanical Garden, located at 555 Funston Place, was opened to the public on May 3, 1980; and

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

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

WHEREAS, the Society has partnered with the City to bring 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 Botanical Garden intends to construct improvements on recently purchased land adjacent to the Botanical Garden which may include a new garden entry, educational facilities and a family adventure garden; and

WHEREAS, the construction of these improvements is anticipated to be completed in approximately two 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 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 Parks and Recreation Department or his designee, is authorized to execute a funding agreement with the San Antonio Botanical Garden Society, Inc. (SABGS) in an amount not-to-exceed \$1,000,000.00 for the Botanical Garden Family Adventure Garden, a 2015 Grant Funded project from the Texas Parks and Wildlife Urban Outdoor Recreation Grant Program. A copy of the funding 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 Public Works Department or his designee is further authorized to execute any and all necessary documents to effectuate said application and acceptance. A copy of said application is on file with the Department of Public Works.

SECTION 3. The City Manager, or her designee or the Director of the Public Works Department or his designee is further authorized to execute any and all necessary documents to effectuate said application and acceptance.

SECTION 4. A new fund will be created upon acceptance of this award and the sum of up to \$1,000,000.00 from the TPWD and an in-kind match of up to \$1,000,000.00 from SABGS will be appropriated in said fund.

SECTION 5. 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 #15-2435

SECTION 6. 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