

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 AMENDMENT NO. 1 TO THE AGREEMENT WITH THE SAN ANTONIO GARDEN CENTER, INC. TO EXERCISE THE FIRST OF TWO, 10 YEAR EXTENSIONS TO THE CONTRACT PERIOD AND ADJUSTING THE CONTRACT END DATE TO JUNE 30, 2027.

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WHEREAS, since 1956, the City of San Antonio has maintained a long-standing partnership with the San Antonio Garden Center, Inc. to allow the non-profit organization the ability to use and operate the San Antonio Garden Center; and

WHEREAS, this facility is located east of north New Braunfels Avenue within Mahncke Park and is adjacent to the San Antonio Botanical Garden; and

WHEREAS, this collaboration has provided an area for the community to learn more about horticulture, gardening, landscaping, and it includes a facility that is available for events; and

WHEREAS, the San Antonio Garden Center, Inc. has responsibility for operation and electricity costs in lieu of paying rental fees; and

WHEREAS, the organization retains all revenue generated from membership fees, rental and fundraising events to offset its operating expenses; and

WHEREAS, the City will have free use of the facility and will continue to maintain the grounds and irrigation system, repair paved surfaces, and address infrastructure needs; and

WHEREAS, in 1992, the City executed an Agreement with the organization for a 20 year term which included an additional five year extension contingent upon major repairs being completed by the organization to the facility; and

WHEREAS, allowable under this Agreement which expires on June 30, 2017, are two, 10 year extensions; and

WHEREAS, this Amendment authorizes the Department to exercise the first 10 year extension and adjusting the contract end date to June 30, 2027; **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 Amendment No. 1 to the Agreement

with the San Antonio Garden Center, Inc. to exercise the first of two, 10 year extensions to the contract period and adjusting the contract end date to June 30, 2027. A copy of Amendment No. 1 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 June, 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney