

ORDINANCE 2019-05-30-0433

**AUTHORIZING THE EXECUTION OF AN AMENDMENT TO
THE PREVIOUSLY APPROVED \$5,050,000.00 FUNDING
AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND
THE SAN ANTONIO BOTANICAL SOCIETY IN THE AMOUNT
NOT TO EXCEED \$1,000,000.00 FOR THE BOTANICAL
CENTER PROJECT, A 2017-2022 BOND FUNDED PROJECT,
LOCATED IN COUNCIL DISTRICT 2.**

* * * * *

WHEREAS, on May 6, 2017, the voters approved the 2017-2022 Bond Program, which authorized \$5,050,000.00 for the San Antonio Botanical Center; and

WHEREAS, the San Antonio Botanical Center provides education and hosts events for the public; and

WHEREAS, this project is a continuation of improvements to implement the San Antonio Botanical Center Master Plan; and

WHEREAS, the 2017-2022 Bond funds will be used toward completion of associated site work and improvements for San Antonio Botanical Center's Event Lawn and Education and Event Center; and

WHEREAS, the project construction began in February 2018 and is estimated to be complete by November 2019; and

WHEREAS, the additional \$1,000,000.00 as part of the authorization of this ordinance will be used for improvements constructed from June 2019 to November 2019; and

WHEREAS, the facility will remain open to the public and operational during construction; and

WHEREAS, on June 14, 2018, City Council authorized through approval of Ordinance 2018-06-14-0435 execution of a Funding Agreement totaling \$5,050,000.00 to the San Antonio Botanical Society; and

WHEREAS, as part of FY 2019 Budget through Ordinance 2018-09-13-0709, City Council authorized abandoning the 2017 Bond Sports Education Facility project due to the non-profit organization's inability to raise the required matching funds; and, authorized the reallocation of Bond proceeds in the amount of \$3,550,000.00 from the Sports Education Facility to 2017 Bond Parks and Recreation Projects within the same proposition and City Council District as follows: Martin Luther King (\$550,000.00), San Antonio Botanical Center (\$1,000,000.00), Lockwood-Dignowity Parks (\$1,000,000.00) and Pittman-Sullivan Park (\$1,000,000.00); and

WHEREAS, the proposed amendment allows the City to amend the City's existing funding agreement with the Botanical Society in the total amount of \$1,000,000.00; and

WHEREAS, this contract will be awarded 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 28% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 5% African American Business Enterprise subcontracting goal; and

WHEREAS, the San Antonio Botanical Society has committed to meeting these goals; **NOW THEREFORE:**

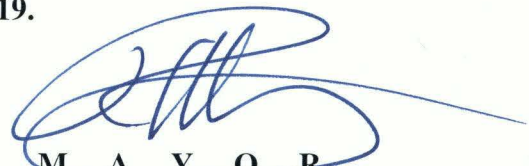
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee, or the Director of the Transportation and Capital Improvements Department or designee is hereby authorized to execute an Amendment to the Funding Agreement between the City of San Antonio and the San Antonio Botanical Society, in the amount not to exceed \$1,000,000.00 for the San Antonio Botanical Center project, a 2017 Bond Funded project, located in Council District 2. A copy of the amendment is attached hereto and incorporated herein for all purposes as **Attachment I**.

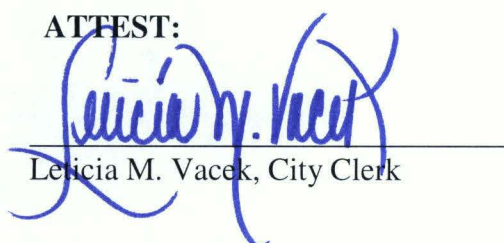
SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 30th day of May, 2019.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	11 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27A, 27B, 27C)						
Date:	05/30/2019						
Time:	09:35:28 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending the previously approved \$5,050,000.00 Funding Agreement with the San Antonio Botanical Society in the amount not to exceed \$1,000,000.00 for the Botanical Center Project, a 2017-2022 Bond Funded Project. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
Art A. Hall	District 2		x				x
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5	x					
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

SW/ah
5/30/19
Item No. 11

ATTACHMENT I

**FIRST AMENDMENT TO SAN ANTONIO BOTANICAL CENTER
PROJECT**

STATE OF TEXAS §

COUNTY OF BEXAR §

This first amendment to the Funding Agreement between the City of San Antonio, Texas, and the San Antonio Botanical Society for the San Antonio Botanical Center Project, authorized by Ordinance No. _____, is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, and the Botanical Society, and San Antonio Botanical Society (hereinafter referred to as "Grantee"), a Texas Non-profit Corporation, acting by and through its officers, referred to collectively herein as the "Parties".

WHEREAS, on December 14, 2017, through Ordinance 2018-06-14-0435, the City and Botanical Society entered into an Funding Agreement for the San Antonio Botanical Center Project; and

WHEREAS, in the Fiscal Year 2019 Budget adopted on September 13, 2018 and through Ordinance 2018-09-13-0709, \$1,000,000 in Parks, Recreation & Open Space Improvements 2017-2022 Bond Funds (Proposition 3 on the ballot) were reallocated to this Project; and

WHEREAS, the additional \$1,000,000 will be used for ongoing enhancements to the Event Center and Event Lawn to increase in size and scope the educational and cultural events that are offered; and

WHEREAS, in the original Agreement the City committed to \$5,050,000, minus \$101,000 to be retained by the City per Section 5.01, for a total City commitment of \$4,949,000.

WHEREAS, the Parties now wish to increase the total dollar value of the amount funded by City in the Original Agreement by a not to exceed amount of \$1,000,000, to allow for additional improvements to this Project in line with the Botanical Center Master Plan, for a total revised commitment by the City in an amount not to exceed \$6,050,000 minus \$101,000 to be retained by the City, for a total commitment not to exceed \$5,949,000; and

WHEREAS, the scope of the additional work to be completed by this amendment is shown in EXHIBIT A;

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement is amended as follows:

1. As per Section XVIII of the original Agreement, this additional scope of work for this Project is being executed by both City and Grantee under authority granted by formal action of the Parties' respective governing bodies.
2. City is amending Section 2.02 of the Funding Agreement, to increase the total budget estimate of the project to \$11,715,996. Grantee shall provide all necessary funding for the Project beyond the City's amended commitment of \$6,050,000, minus \$101,000 which shall be retained by the City per Section 5.01, for a total City commitment of \$5,949,000, which will be paid on a reimbursement basis. Grantee shall provide evidence to City that all Project funds needed to complete the Project in addition to the City's committed funds have been secured prior to the receipt of any funding under this Funding Agreement. In the event that the scope of the Project is adjusted downward, the City shall have the option of adjusting its commitment downward accordingly. City is not responsible for any costs over the estimated amount of the Project unless agreed to in writing in the form of an amendment to this Funding Agreement. The City shall fund its commitment hereunder from proceeds derived from its sale of bonds authorized under Proposition 3 of the City's May 6, 2017 bond election (such City bonds, as well as any City bonds from time to time issued to refund the same, the "City Bonds").
3. Section 4.04 of the agreement is deleted in its entirety and replaced with the following:

For the entire term that the City Bonds remain outstanding, Grantee shall operate the Project continuously and in a manner that accomplishes on the City's behalf the public purposes that form basis for the City's contribution to the Project. Grantee shall satisfy this obligation by assuring that, for the duration immediately herein before specified, the parks, recreation & open space improvements services provided at the Project, once completed, as a ratio of all services provided at the completed Project, shall be at least proportionate to the percentage of the total Project cost funded by the City (assuming a City contribution of \$5,949,000 and an overall Project cost of \$11,715,996).

4. Section 5.01 of the agreement is deleted in its entirety and replaced with the following:

City shall reimburse Grantee for all eligible expenses incurred hereunder. Notwithstanding any other provisions of this Agreement, the total of all payments and other obligations made or incurred by City hereunder shall not exceed the sum of \$5,949,000.

5. Section 5.03 of the agreement is deleted in its entirety and replaced with the following:

Funding shall consist of reimbursements paid to Grantee for construction cost of the Project, not to exceed \$6,050,000, with \$101,000 to be retained by the City for administrative costs, for total funding by City of \$5,949,000. The City funding provided under this Funding Agreement may only be used for the portions of the Project which are dedicated to public use/public purpose. No City funds may be used for Grantee's personal office space or other non-public aspects of the Project

Signature Page to Follow

Except as amended hereby, all other provisions of the Agreement and the First Amendment are hereby retained in their entirety and remain unchanged.

EXECUTED and **AGREED** to as of the dates indicated below.

City Of San Antonio

San Antonio Botanical Society

(Signature)

_____
(Signature)

Printed Name: _____
Title: _____
Date: _____

Printed Name: John S. Troy
Title: President SABG
Date: April 29, 2019

Approved as to Form:

Assistant City Attorney

EXHIBIT A SCOPE

Project Background:

The San Antonio Botanical Garden Society is in the midst of a transformational expansion that is broadening its impact in the community. This project is a \$40 million capital expansion at the San Antonio Botanical Garden. Previous improvements were completed in March 2018, consisting of a new Welcome Building, Discovery Center with classrooms, Culinary Garden, Outdoor Kitchen, Family Adventure Garden, Entry Kiosk and Gift Shop.

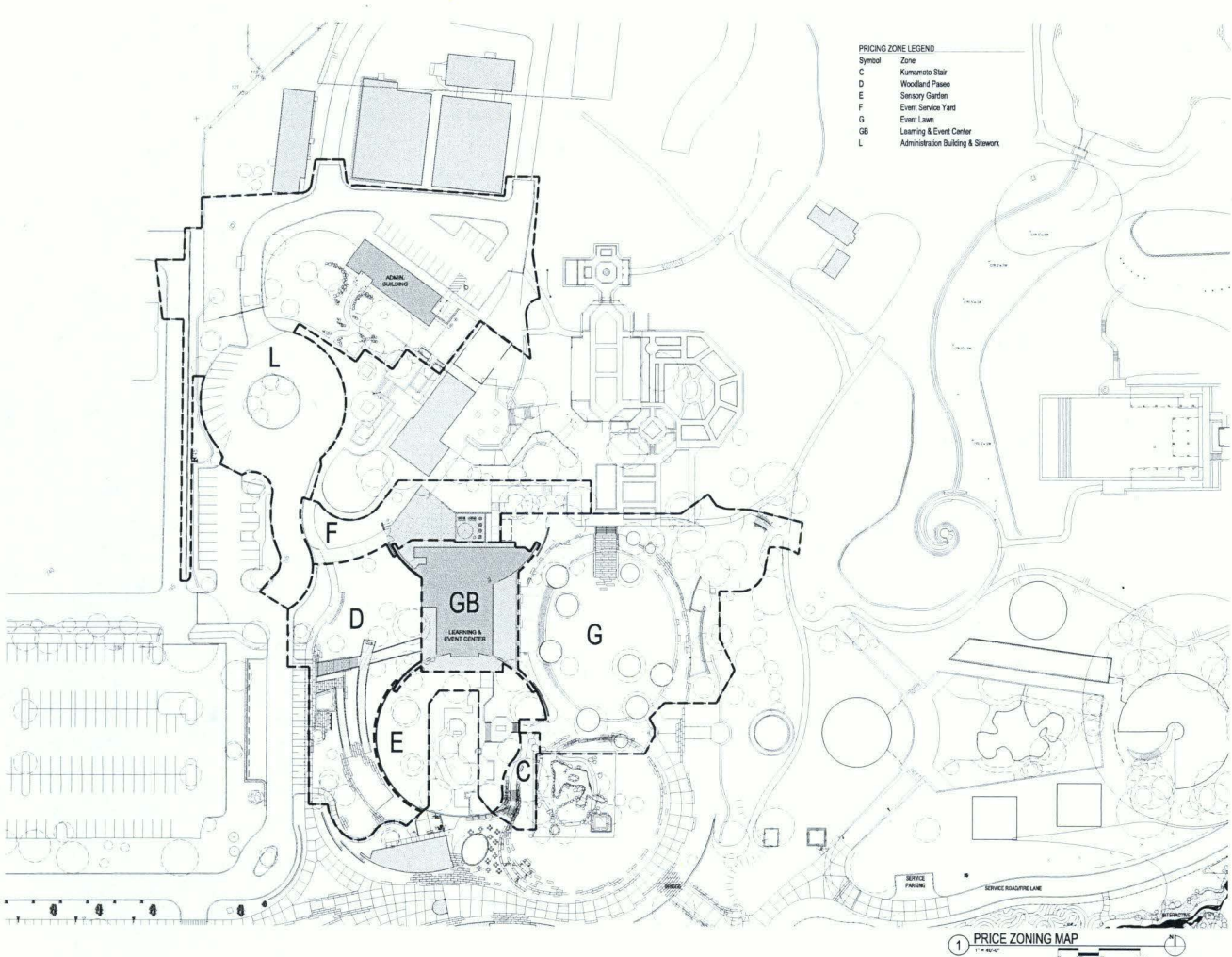
Project Description:

The project includes the Event Center, Event Lawn, the administration building, and renovation of the historic Carriage House. Completion of the project will allow the Botanical Garden to increase in size and scope the educational and cultural events that are offered. City Funds will be used for the Event Lawn and Education and Event Center. The new Event Center will provide a large indoor space that will serve as a multi-purpose community space for civic meetings, events, classes, weddings, symposia, exhibits, and receptions. Funding will support site work including demolition and earthwork; extensive concrete work to construct the foundation, footings, and walls; steel work, new HVAC systems, electrical, carpentry, painting, plumbing, and roofing; and interior finishes with a wood ceiling. The Event Lawn will provide a central stage and open space for visual and performing arts. For the Event Lawn project, funding will support site work including demolition and earthwork; limestone work; hardscape items such as concrete paving, footings, and water wall; electrical work; landscaping installation, plantings, and irrigation. These additional improvements will add to the ongoing enhancement of the Botanical Center, in line with the Master Plan.

Project Timeline:

These funds will be used for improvements constructed from June 2019 to November 2019.

EXHIBIT B
PLANS



PRICING ZONE LEGEND

Symbol	Zone
C	Kumamoto Stair
D	Woodland Plaza
E	Sensory Garden
F	Event Service Yard
G	Event Lawn
GB	Learning & Event Center
L	Administration Building & Stewark

NOTES

WEDDLE
GILMORE
black
rock
studio

1001 West 10th Street
San Antonio, TX 78205
210.591.1000
www.weddeblackrock.com



**SAN ANTONIO
BOTANICAL
GARDEN
PHASE II
IMPROVEMENTS**

ARCHITECT
WEDDLE GILMORE BLACK ROCK STUDIO
1001 WEST 10TH STREET, SUITE 100
SAN ANTONIO, TX 78205
210.591.1000

LANDSCAPE ARCHITECT
TEN TUCKER LANDSCAPE ARCHITECTS, INC.
2704 WEST 80TH STREET, SUITE 100
AUSTIN, TX 78746
737.579.0000

CIVIL ENGINEER
PAUL GARDNER ENGINEERS
100 S. GARDNER
SAN ANTONIO, TX 78210
210.571.8800

STRUCTURAL ENGINEER
BACH ENGINEERS, INC.
501 WEST BROADWAY
SAN ANTONIO, TX 78205
210.588.2000

ELECTRICAL ENGINEER
WOODWARD ENGINEERING
201 S. BENTLEY ROAD
TEMPLE, TX 76788
817.291.4400

MECHANICAL / PLUMBING ENGINEER
ARCHITECTURAL MECHANICAL
USE OF UNIVERSITY DRIVE
TEMPLE, TX 76788
817.291.4400

INSPECTION
DANA & COMPANY LLC
400 SOUTH COMMERCE STREET
WILLIAMS, AZ 85626
520.326.7574

REV	DATE	DESCRIPTION
1	01/11/17	ISSUED FOR PERMIT
2	01/11/17	ISSUED FOR PERMIT
3	01/11/17	ISSUED FOR PERMIT
4	01/11/17	ISSUED FOR PERMIT
5	01/11/17	ISSUED FOR PERMIT
6	01/11/17	ISSUED FOR PERMIT
7	01/11/17	ISSUED FOR PERMIT
8	01/11/17	ISSUED FOR PERMIT
9	01/11/17	ISSUED FOR PERMIT
10	01/11/17	ISSUED FOR PERMIT

AS NOTED
PROJECT
PRICE ZONING
MAP

PZM

EXHIBIT C.1
PROJECT BUDGET

A	B	C	D
Project Line Items	Partner/Agency Funds <i>(Rounded to nearest dollar)</i>	City Funds	Total Line Item Cost equals B + C
Education and Event Center	592,820	4,888,147	5,480,967
Event Lawn	933,533	1,060,853	1,994,386
Woodland Landscape (NMTC)	1,214,740		1,214,740
Sensory Garden (NMTC)	438,247		438,247
Event Center Service Yard (NMTC)	654,570		654,570
Administration Building Sitework (NMTC)	1,010,151		1,010,151
Administration Building (NMTC)	821,935		821,935
City Administrative Costs		\$101,000	101,000
	Total: 5,665,996	Total: 6,050,000	Total Project Funds: \$11,715,996