

ORDINANCE

APPROVING AN AMENDMENT TO THE FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, THE MIDTOWN TIRZ BOARD OF DIRECTORS, AND THE SAN ANTONIO BOTANICAL GARDEN SOCIETY, INC. FOR AN AMOUNT NOT TO EXCEED \$1,355,000.00 FOR RENOVATIONS TO THE LUCILE HALSELL CONSERVATORY AT THE BOTANICAL GARDEN LOCATED IN COUNCIL DISTRICT 2

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WHEREAS in accordance with the Tax Increment Financing Act (the Act), Chapter 311 of the Texas Tax Code, the City of San Antonio (City), through Ordinance 2008-12-11-1134, established Tax Increment Reinvestment Zone Thirty-one, known as the Midtown TIRZ, and a Board of Directors (Board) authorized with all rights, powers, and duties provided by the Act in furtherance of development and revitalization within the Midtown TIRZ; and

WHEREAS on February 2, 2022, the Midtown TIRZ's Board of Directors, through Resolution T31 2022-02-02-03R, approved a funding agreement in the amount of \$5,000,000.00 for the repair and replacement of glass panels on the Lucile Halsell Conservatory's structures, replacement of the greenhouses, lighting improvements, and the development of a master plan for the project concerning the conservatory's Kleberg Desert Pavilion and Fern Grotto; and

WHEREAS on February 10, 2022, City Council approved Resolution T31 2022-02-02-03R through Ordinance 2022-02-10-0093; and

WHEREAS owing to inflation and the need for additional waterproofing discovered after the start of the project, the project's budget increased by \$1,354,983.00; and

WHEREAS on April 15, 2024, Board, through Resolution T31 2024-04-15-03R, approved the negotiation and execution of an amendment to the Funding Agreement **NOW THEREFORE:**

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

SECTION 1. The City Manager or his designee is authorized to amend the Funding Agreement between the City of San Antonio, the Midtown TIRZ Board of Directors, and the San Antonio Botanical Garden Society, Inc. for an amount not to exceed \$1,355,000.00 for renovations to the Lucile Halsell Conservatory at the Botanical Garden located in Council District 2.

SECTION 2. The Tax Increment Financing Unit is hereby authorized to amend the Midtown TIRZ's Project and Finance Plans to include the project for renovations to the Lucile Halsell Conservatory at the Botanical Garden located in Council District 2.

MR
May 2, 2024
Item No. 24-199606

SECTION 3. Funding for any projects through the Midtown TIRZ will be paid from Fund 29086024, Internal Order 39000000xxxx and General Ledger 6102100. Total funding should not exceed \$1,355,000.00 for the duration of this agreement.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance is effective immediately upon passage by eight affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED AND APPROVED this ___nd day of May 2024.

MAYOR
Ron Nirenberg

ATTEST:

Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:

Andrew Segovia, City Attorney