

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

ORDINANCE

PROVIDING THE EXECUTION OF TWO FUNDING AGREEMENTS RELATED TO MITCHELL LAKE AUDUBON CENTER LOCATED IN COUNCIL DISTRICT 3: (1) A FUNDING AGREEMENT BETWEEN THE NATIONAL AUDUBON SOCIETY AND THE CITY OF SAN ANTONIO IN AN AMOUNT UP TO \$6,000,000.00 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS AT THE MITCHELL LAKE AUDUBON CENTER; AND, (2) A FUNDING AGREEMENT BETWEEN THE SAN ANTONIO WATER SYSTEM AND THE CITY OF SAN ANTONIO IN AN AMOUNT UP TO \$265,000.00 FOR THE DESIGN AND CONSTRUCTION OF THE MITCHELL LAKE AUDUBON CENTER ENTRANCE GATE. FUNDING IN THE AMOUNT OF \$6,000,000 IS AVAILABLE FROM THE 2022 GENERAL OBLIGATION BOND PROGRAM AND \$265,000 FROM CERTIFICATES OF OBLIGATION AND INCLUDED IN THE FY 2024 – 2029 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, the Mitchell Lake Audubon Center, located at 10750 Pleasanton Road in Council District 3, is a unique bird haven consisting of the 600-acre Mitchell Lake, which includes 30,000 acres of wetland and ponds, 300 acres of grassland, brushland, and woodland habitats. The Mitchell Lake Audubon Center has documented over 340 bird species as a critical stopover along the Central Flyway. It is an internationally recognized bird habitat that draws visitors from around the world, serving over 12,000 visitors and 4,000 students annually, with 70 percent of students served coming from Title I schools; and

WHEREAS, on May 7, 2022, San Antonio voters approved the 2022 – 2027 General Obligation Bond Program authorizing Parks and Recreation bond funds to construct facility improvements and rehabilitate the birding center at the Mitchell Lake Audubon Center (“Mitchell Lake Audubon Center Rehabilitation Project”). Funds in the amount of \$6,000,000.00 will be allocated from the 2022 Bond Program, of which \$5,880,000.00 will be for this project and \$120,000.00 will be retained by the City of San Antonio for program management; and

WHEREAS, The funding agreement with the National Audubon Society will provide for facility improvements and the rehabilitation of the birding center at the Mitchell Lake Audubon Center, which will include, but are not limited to, the following: site improvements and preparation, educational pavilion improvements and expansion, improved pavement base at interior park roadways, asphalt roadway improvements and control gates, new full-service restroom and parking area, new parking at entry and improvements to existing parking, and new bird viewing stations; and

WHEREAS, the National Audubon Society will oversee the construction of the improvements at the Mitchell Lake Audubon Center in accordance with the bond brochure and funding agreement. City funding will be provided on a reimbursement basis once the design and construction are verified and approved. Construction on the new facility is anticipated to be completed by the end of 2027; and

WHEREAS, the Mitchell Lake Audubon Center Rehabilitation Project funding agreement will be executed in compliance with the Small Business Economic Development Advocacy (SBEDA) Program. The National Audubon Society has committed to the 23% Minority, Women-Owned Business Enterprise (M/WBE) and 2% African American Business Enterprise (AABE) subcontractor participation goal established by the SBEDA Goal Setting Committee; and

WHEREAS, the Mitchell Lake Audubon Center Entrance Gate Project will renovate the Mitchell Lake facility entrance with \$265,000.00 allocated from Certificates of Obligation, of which \$259,700.00 will be for the project and \$5,300.00 will be retained by the City of San Antonio. The San Antonio Water System (SAWS) will manage the project with the City of San Antonio; and

WHEREAS, the Mitchell Lake Audubon Center Entrance Gate Project funding agreement provides for the construction of site improvements, including site demolition, site preparation and earthwork, fencing, lighting, walls, columns, and signage. SAWS will oversee the construction of the improvements for the Mitchell Lake Audubon Center Entrance Gate in accordance with the funding agreement. The City's funding will be provided on a reimbursement basis once the construction is verified and approved. Construction on the new facility is anticipated to be completed by September 2024; and

WHEREAS, the Mitchell Lake Audubon Center Entrance Gate Project funding agreement will be executed in compliance with the Small Business Economic Development Advocacy (SBEDA) Program. SAWS has committed to the 21% Minority, Women-Owned Business Enterprise (M/WBE) and 2% African American Business Enterprise (AABE) subcontractor participation goal established by the SBEDA Goal Setting Committee; and

WHEREAS, this ordinance approves the execution of two funding agreements related to Mitchell Lake Audubon Center: (1) a funding agreement between the National Audubon Society and the City of San Antonio in an amount up to \$6,000,000.00 for the design and construction of improvements at the Mitchell Lake Audubon Center; and, (2) a funding agreement between the San Antonio Water System (SAWS) and the City of San Antonio in an amount up to \$265,000.00 for the design and construction of the Mitchell Lake Audubon Center Entrance Gate; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute a Funding Agreement between the City of San Antonio and the National Audubon Society in an amount not to exceed \$6,000,000.00 and a Funding Agreement between the City of San Antonio and San Antonio Water System (SAWS) in an amount not to exceed \$265,000.00.

SECTION 2. Upon execution of the Funding Agreement, payment is authorized to be encumbered and made payable to the National Audubon Society in an amount not to exceed \$6,000,000.00. Payment is in support of the Mitchell Lake Audubon Center Project, using Fund 45099000, with the WBS 23-03999-05-02-01 and GL 5201140. Funding for this project is provided by GO Bonds and is available in the FY2023-FY2028 CIP Budget.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 3. Upon execution of the Funding Agreement, payment is authorized to be encumbered and made payable to San Antonio Water System (SAWS) in an amount not to exceed \$259,700.00. Payment is in support of the Mitchell Lake Audubon Center Project, using Fund 45099000, with the WBS 23-03843-05-02-01 and GL 5201140. Funding for this project is provided by CO Bonds and is available in the FY2023-FY2028 CIP Budget.

Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

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 Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. 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 December, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney