

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

**ORDINANCE**

**APPROVING THE EXECUTION OF A FUNDING AGREEMENT BETWEEN THE SAN ANTONIO BOTANICAL SOCIETY AND THE CITY OF SAN ANTONIO IN AN AMOUNT UP TO \$2,500,000.00 FOR THE CONSTRUCTION OF IMPROVEMENTS AND RESTORATION OF EXISTING STRUCTURES ASSOCIATED WITH THE LUCILLE HALSELL CONSERVATORY, GREENHOUSES AND GARDEN GROUNDS AT THE SAN ANTONIO BOTANICAL CENTER; AND, ACCEPTING IN AN ESTIMATED AMOUNT OF \$800,000.00 IN RELATED MASTER PLANNING, DESIGN AND IMPROVEMENTS CONTRIBUTED FROM SAN ANTONIO BOTANICAL SOCIETY. FUNDING IS AVAILABLE FROM THE 2022 – 2027 GENERAL OBLIGATION BOND PROGRAM AND INCLUDED IN THE FY 2023 – FY 2028 CAPITAL IMPROVEMENT PROGRAM.**

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**WHEREAS**, on May 7, 2022, San Antonio residents voted and approved the 2022 – 2027 General Obligation Bond Program totaling \$1.2 billion; and

**WHEREAS**, the San Antonio Botanical Center is owned by the City of San Antonio and the San Antonio Botanical Society, as the Tenant, has a lease agreement with the City of San Antonio to manage, operate, and develop the San Antonio Botanical Center for the benefit of the community; and

**WHEREAS**, the San Antonio Botanical Society has completed the design portion of the project; and

**WHEREAS**, the San Antonio Botanical Center leveraged funding project will provide for the construction of improvements and restoration of existing structures at the Lucille Halsell Conservatory, Greenhouses and garden grounds at the San Antonio Botanical Center for an amount up to \$2,450,000.00, and \$50,000.00 will be retained by the City for program management, totaling \$2,500,000.00; and

**WHEREAS**, the overall project cost is \$8,300,000.00 of which \$2,500,000.00 will be funded by the 2022 Bond Program, \$5,000,000.00 is previously approved from the Midtown Tax Increment Reinvestment Zone (TIRZ) and \$800,000.00 will be funded by the San Antonio Botanical Society; and

**WHEREAS**, this agreement 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 to

maximize the amount of small, minority, and women-owned business participation on the contract. The Goal Setting Committee set a 20% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African American Business Enterprise (AABE) subcontracting goal. San Antonio Botanical Society has committed to 20% Minority and/or Women-Owned Business Enterprise (M/WBE) and 3% African American Business Enterprise (AABE) subcontractor participation; and

**WHEREAS**, this ordinance approves the execution of a funding agreement between the San Antonio Botanical Society and the City of San Antonio in an amount of up to \$2,500,000.00 for the construction of improvements and restoration of existing structures associated with the Lucille Halsell Conservatory, Greenhouses and garden grounds at the San Antonio Botanical Center; and, accepts in an estimated amount of \$800,000.00 in related master planning, design and improvements contributed from San Antonio Botanical Society; and

**WHEREAS**, the funding agreement will provide for the construction of improvements and restoration of existing structures at the Lucille Halsell Conservatory, greenhouses and garden grounds; work will include the installation of glass, rack and pinion repair, screen replacement, neoprene closures, interior cleaning, below-grade waterproofing, repairs to the irrigation system, expansion joint repairs, new and replacement sealant, concrete and crack repairs, water repellent application, coating on soffits, painting, and wall coating, hydraulic cement cove joints, concrete overlay in mechanical rooms for slope to drain, repair and coat steel framing and anchors, ductwork replacement and waterproofing at pools and planters, lighting upgrades, and environmental controls; and

**WHEREAS**, the San Antonio Botanical Society will oversee the construction of the improvements in accordance with the 2022 Bond Program and this agreement, and the City's funding will be provided on a reimbursement basis once the construction is verified and approved; **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 San Antonio Botanical Society in an amount not to exceed \$2,500,000.00.

**SECTION 2.** An In-Kind contribution of master planning, design and improvements valued at \$800,000.00 is authorized to be received from San Antonio Botanical Society to Fund 45099000, Project 23-04018 San Antonio Botanical Center and the budget is revised by increasing WBS 23-04018-90-10-01 with GL 6500000 and WBS 23-04018-01-08 with GL 6601040 each by \$800,000.00.

**SECTION 3.** Payment is authorized to be encumbered and made payable to San Antonio Botanical Society in an amount not to exceed \$2,500,000.00. Payment is for reimbursement of construction costs in support of Project 23-04018 San Antonio Botanical Center using WBS Element 23-04018-05-02-01 and GL Account 5201140. Funding for this project is available from GO Bonds and the TIRZ Midtown #31 Fund and is included in the FY 2023 - FY 2028 Capital Improvement Program.

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 17<sup>th</sup> day of August, 2023.**

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney