

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH THE ZILKER BOTANICAL GARDEN CONSERVANCY REGARDING CREATION OF A MEMBERSHIP PROGRAM AND USE OF THE ZILKER BOTANICAL GARDEN AND WAIVING CERTAIN FEES AS PART OF THE AGREEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council makes the following findings:

- (A) Since its creation in 2014, the Zilker Botanical Garden Conservancy (Conservancy) has provided financial, educational, and operational support to the Zilker Botanical Garden.
- (B) The City of Austin and the Conservancy wish to continue this mutually beneficial relationship.
- (C) Funds raised by the Conservancy through a membership program will be utilized for additional educational and operational support of the Zilker Botanical Garden.

PART 2. Council authorizes negotiation and execution of an agreement with the Conservancy that governs the use of funds raised for garden improvements through a membership program and use of the Zilker Garden Center for educational and fundraising events.

PART 3. Council authorizes the waiver of entrance, building, and grounds-use fees listed in Part 6 in an amount not to exceed \$69,128.00 for fiscal year 2018 as part of an agreement to be negotiated and executed with the Conservancy.

PART 4. Council authorizes the City Manager to seek fee waivers listed in Part 7 in an amount not to exceed \$276,512.00 each year the agreement with the Conservancy is in effect and the Conservancy is in compliance with all terms of the agreement.

PART 5. To the extent necessary, this ordinance supersedes Ordinance No. 20160811-006.

PART 6. Fees Waived or Reimbursed in fiscal year 2018 (Parks and Recreation Department):

\$ 5,556.25 Entrance Fees
\$ 63,571.75 Rental Fees
\$ 69,128.00 Total Fees

PART 7. The authorization in PART 4 above, shall not exceed:

\$22,225.00 Entrance Fees
\$254,287.00 Rental Fees
\$276,512.00 Total Fees

PASSED AND APPROVED

_____, 2018 §
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Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk