

**ORDINANCE NO. 20190808-030**

**AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 20180911-002 TO REVISE THE FISCAL YEAR 2018-2019 PARKS AND RECREATION DEPARTMENT FEE SCHEDULE TO INCREASE FEES FOR ADMISSION TO THE ZILKER BOTANICAL GARDEN; AND AUTHORIZING NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH THE ZILKER BOTANICAL GARDEN CONSERVANCY TO TRANSFER MANAGEMENT AND OPERATIONS OF ADMISSIONS TO THE GARDEN TO THE CONSERVANCY.**

**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 Gardens and the Zilker Garden Center.
- (B) The City and the Conservancy wish to continue this mutually beneficial relationship.
- (C) The City and the Conservancy are currently parties to an agreement that governs the use of funds raised by the Conservancy for Zilker Botanical Garden (Garden) improvements through a membership program and use of the Zilker Garden Center for educational and fundraising events.
- (D) Transferring management and operations of admissions to the Garden to the Conservancy and increasing the fees charged for admission furthers the City's and Conservancy's shared goal of improving the Garden and reducing the financial burden currently borne by the City of operating the Garden.
- (E) The Conservancy, a nonprofit organization, has provided significant financial and other benefits to the Garden, and is the only entity positioned to assume management of the Garden. Thus, procurement of the Conservancy to manage and operate admissions is an authorized exception to the procedures prescribed by chapter 252 of the Local Government Code to procure certain goods and services.

**PART 2.** The 2018-2019 Fee Schedule, attached as Exhibit "A" to Ordinance No. 20180911-002, is amended to increase entry fees to the Zilker Botanical Garden guidance as follows:

### **Parks and Recreation – General Fund**

Adult Entry Fee - Non-Resident	<del>[\$3.00]</del> <u>\$8.00</u>	per day
Adult Entry Fee – Resident	<del>[\$2.00]</del> <u>\$6.00</u>	per day
Child <del>[/Senior]</del> Entry Fee - <u>Non-Resident</u>	<del>[\$1.00]</del> <u>\$4.00</u>	per day
<u>Child Entry Fee – Resident</u>	<u>\$3.00</u>	<u>per day</u>
<u>Senior Entry Fee – Non-Resident</u>	<u>\$7.00</u>	<u>per day</u>
<u>Senior Entry Fee – Resident</u>	<u>\$5.00</u>	<u>per day</u>

The City Manager shall waive the “per day” entry fee for all entrants to the Zilker Botanical Garden for the duration of the day a minimum of eight days per year to include at least three weekend days.

The City Manager has the authority to waive fees for PARD Director-identified user groups with financial needs, including but not limited to PARD scholarship recipients, Title One Schools, and participants in particular PARD programs.

The Parks Department shall analyze the impact of Per Day Entry Fee waivers on the goal of ensuring affordability for Austin residents as well as on revenues for Garden improvements and may develop alternative approaches to achieve the same affordability purpose.

**PART 3.** Council authorizes negotiation and execution of an amended and restated agreement with the Conservancy that also governs the Conservancy’s management and operations of admissions to the Garden. The City Manager is directed to include language in the agreement that addresses the following concepts:

- The Conservancy must follow the City’s fee schedule for all purposes, and Council must approve any further increases to rates.
- The Zilker Botanical Garden Master Plan must be approved by City Council and coordinated with the Zilker Park Master Plan including regarding opportunities to reduce parking needs, support of increased transit options and other alternative strategies that may be realized, and major capital improvements authorized by, City Council.

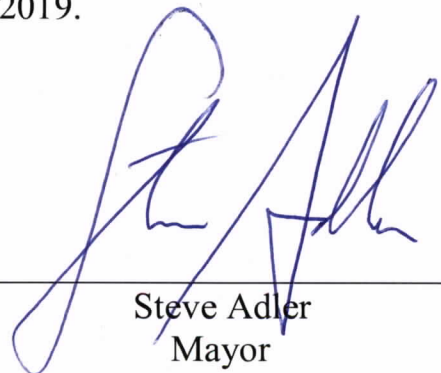
- The Conservancy and the City will develop a proactive outreach and marketing plan designed to inform the public about free admission to the Garden for income-eligible City of Austin residents. Electronic Benefits Transfer cards, WIC cards, STAR cards, CHIP cards, Medicaid cards, and MAP identification cards shall be accepted as evidence of income-eligibility; language about this waiver should appear on signage at the entrance gate and in every published schedule of admission rates.
- The Conservancy should provide regular updates to the Parks and Recreation Board at intervals to be determined by that body.
- Projects to increase accessibility to the existing features shall be prioritized and, whenever appropriate, undertaken in advance of the Master Plan.
- Staff shall analyze planned projects for the eligibility for Hotel Occupancy Tax funding and, as appropriate, submit eligible projects for funding.
- The Conservancy must make a presentation to the Council Audit and Finance Committee in six months and share presentation materials with Council. At a minimum, the update should contain detailed information about fundraising, marketing, and programming efforts to date, along with data about attendance on paid and free days.

**PART 4.** This ordinance takes effect on August 19, 2019.


**PASSED AND APPROVED**

\_\_\_\_\_, August 8, 2019

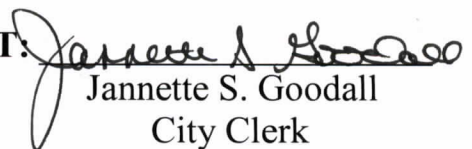
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Steve Adler  
Mayor

**APPROVED:**

  
\_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
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Jannette S. Goodall  
City Clerk