

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

AN ORDINANCE

**AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN
THE CITY OF SAN ANTONIO AND SAN ANTONIO WATER SYSTEM
FOR ASSISTANCE IN ENFORCEMENT OF THE COAL TAR SEALANT
PAVEMENT PRODUCT BAN**

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WHEREAS, Ordinance 2016-06-30-0518, approved on June 30, 2016 by the San Antonio City Council, found that coal tar sealant pavement products pose a public health and safety threat to the citizens and environment of the City, and banned the use of coal tar sealant pavement products within the City of San Antonio; and

WHEREAS, City staff has identified several possible entities to assist in the testing of coal tar sealants when violations are reported and has determined that the best partner to assist in sampling and testing is the San Antonio Water System (SAWS); and

WHEREAS, SAWS and the City currently have an agreement for our municipal separate storm sewer system (MS4) permit which includes inspections, use of their lab for testing, and their enforcement abilities, and this partnership provides existing testing which the proposed agreement would only minimally increase; and

WHEREAS, this ordinance authorizes an Agreement between the City and SAWS to provide sampling services to ensure compliance with the ban on coal tar sealant pavement products, in an amount not to exceed \$50,000.00 annually starting January 1, 2017, for a term of one year with three one year renewal options, with funds available through the FY 2017 Storm Water Operating Fund Budget; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, or the Director, Transportation and Capital Improvements Department, or his designee, is hereby authorized to enter into an Agreement with the San Antonio Water System (SAWS) to provide sampling services to ensure compliance with the ban on coal tar sealant pavement products, in an amount not to exceed \$50,000.00 annually starting January 1, 2017, for a term of one year with three one year renewal options. A copy of the Agreement, in substantially final form, is attached and incorporated verbatim herein as **Attachment I**. The execution authority granted by this Ordinance shall expire 60 days after the effective date of the Ordinance.

SECTION 2. Funding in the amount of \$50,000.00 for this ordinance is available from Fund 29070000, Cost Center 2304050001 and General Ledger 5201040, as part of the Fiscal Year 2017 Budget.

SECTION 3. Payment not to exceed the budgeted amount is authorized to San Antonio Water Systems (SAWS) and should be encumbered with a purchase order.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

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

PASSED and APPROVED this 10th day of November, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney