

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

ORDINANCE

APPROVING A PURCHASE AND SALE AGREEMENT FOR MITIGATION CREDITS WITH STRAUS MEDINA MITIGATION BANK IN AN AMOUNT NOT TO EXCEED \$124,300.00 FOR THE PURCHASE OF MITIGATION CREDITS TO COMPLY WITH THE UPPER LEON CREEK RSWF - CULEBRA CREEK PROJECT'S CLEAN WATER ACT SECTION 404 PERMIT. FUNDS ARE AVAILABLE FROM 2007 GENERAL OBLIGATION BOND AND STORM WATER REGIONAL FACILITIES FUNDS AND INCLUDED IN THE FY 2021 - FY 2026 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, as part of the 2007 Bond Program, funds in the amount of \$3,156,000.00 were approved for the Upper Leon Creek Regional Storm Water Facility (RSWF) project initially anticipated to be located within the Government Canyon State Natural Area. As part of this project, a Due Diligence and Feasibility Study for Government Canyon Creek RSWF was completed to analyze several potential detention sites within Government Canyon; and

WHEREAS, due to changes in baseline floodplain conditions from recent floodplain Letters of Map Revision (LOMR) and updated topographic data, it was determined neither size of detention site options were cost-effective solutions for the flood reduction risk associated with this project. As a result, three alternative projects within the Upper Leon Creek Watershed were studied and shown to be more cost-effective options, including the Helotes Creek RSWF, Culebra Creek Natural Waterway Conveyance (NWWC) and Leon Creek NWWC. Of these projects, Culebra Creek NWWC included the appropriate available funding for the City to execute; and

WHEREAS, the Upper Leon Creek RSWF - Culebra Creek NWWC project will improve water drainage conveyance and 100-year flood reduction benefits for several adjacent properties; and

WHEREAS, project improvements will include an earthen channel upstream and downstream of Culebra Road Bridge and Timber Path Bridge, the armoring of bridge columns for both Culebra Road and Timber Path Bridges, the installation of a concrete retaining wall with riprap to stabilize side slopes behind a commercial property, CPS gas line adjustments will also be included as part of the project, and in collaboration with the Parks and Recreation Department incorporating the Culebra Creek Hike and Bike Trail (Cathedral Rock Park to Grissom Road); and

WHEREAS, the Culebra Creek Hike and Bike Trail (Cathedral Rock Park to Grissom Road) project is part of a growing network of interconnected hike and bike trails on the Howard W. Peak Greenway Trails system, which has been funded through a portion of a 1/8-cent voter approved sales tax since its inception; and

WHEREAS, these project locations overlap, the City coordinated the flood control and trail designs for both projects by joint bid utilizing the same contractor; and

WHEREAS, construction of these improvements is anticipated to begin in October 2021 and is estimated to be completed by June 2022; and

WHEREAS, on March 15, 2021, the US Army Corps of Engineers (USACE) reissued the Clean Water Act Section 404 Nationwide Permit 43 with a new mitigation threshold of 0.03 acres of permanent loss of jurisdictional waters; and

WHEREAS, the advertised design plans for this project had 0.04 acres of permanent loss and since this amount is over the new threshold level, mitigation is required; and

WHEREAS, per the USACE, when mitigation is required, and the project is within the service area of an operational mitigation bank, the bank's credits must be purchased; and

WHEREAS, the Straus Medina Mitigation Bank was contacted for a cost estimate to purchase the mitigation credits in the total amount of \$124,300.00; and

WHEREAS, an offer was submitted by UNICOM Government, Inc., to provide for the purchase and installation of broadcast and presentation equipment for a conference center to be included in the City Tower Renovation Project, which will have television broadcast capabilities to support public meetings; and

WHEREAS, this ordinance approves the execution of a Purchase and Sale Agreement for Mitigation Credits between the City of San Antonio and Straus Medina Mitigation Bank in an amount not to exceed \$124,300.00 for the purchase of mitigation credits to comply with the Upper Leon Creek RSWF - Culebra Creek project's federal 404 permit; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or designee, is authorized and directed to execute of a Purchase and Sale Agreement for Mitigation Credits between the City of San Antonio and Straus Medina Mitigation Bank in an amount not to exceed \$124,300.00 for the purchase of mitigation credits to comply with the Upper Leon Creek RSWF - Culebra Creek project's federal 404 permit. The Purchase and Sale Agreement for Mitigation Credits is attached hereto and incorporated herein for all purposes as **Exhibit I**.

SECTION 2. Payment is authorized to be encumbered and made payable to Straus Medina Mitigation Bank in an amount not to exceed \$124,300.00. Payment is in support of the Upper Leon Creek Regional RSWF Project, using Fund 48099000, with the WBS Element 23-03730-04-02 and GL Account 5201040. Funding is provided by GO Bonds, Revenue Bonds, and the Drainage Detention Project Fund and is in the FY2021-FY2026 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. 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 4. This Ordinance is effective immediately upon passage by eight or more affirmative votes; otherwise, it is effective on the tenth day after passage.

PASSED and APPROVED this ____ day of June, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

EXHIBIT I

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