

AN ORDINANCE 2014 - 08 - 21 - 0596

AUTHORIZING THE EXECUTION OF A \$2,454,038.00 PROJECT PARTICIPATION AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS FOR THE OLMOS CREEK RESTORATION PROJECT AND COMMITTING A 35% LOCAL CONTRIBUTION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF INTERLOCAL AGREEMENTS WITH THE CITY OF ALAMO HEIGHTS AND THE SAN ANTONIO RIVER AUTHORITY (SARA) FOR USE OF PROPERTY WITHIN THEIR JURISDICTIONS AND AUTHORIZING PAYMENT OF AN AMOUNT NOT TO EXCEED \$200,000.00 TO SARA FOR PROJECT MANAGEMENT.

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WHEREAS, the Aquatic Ecosystem Restoration Program (Section 206 of the Water Resources Development Act of 1996) of the U.S. Army Corps of Engineers (USACE) was established to restore degraded aquatic ecosystem structure, function and dynamic process to a more natural condition, which will involve consideration of the ecosystem's natural integrity, productivity, stability and biological diversity; and

WHEREAS, on February 14, 2002, City Council in Resolution 2002-6-5 authorized the San Antonio River Authority to submit a letter of request to the USACE to initiate a feasibility study to develop a vision to restore and enhance the three southernmost miles of Olmos Creek; and

WHEREAS, the Council action responded to the San Antonio North Central Community Plan goal and vision for restoring the natural beauty and habitat to the Olmos Basin; and

WHEREAS, a feasibility study was coordinated by COSA's Planning Department which was completed and approved by the USACE in December 2006; and

WHEREAS, the restoration plan describes the appropriate action to address the ecosystem concerns in the area, and is consistent with the North Central Community Plan's goals, the restoration design combines water quality improvements such as improving flow and temperature of the creek by removing non-native invasive plant and tree species; and restoring the ecosystem to create a more natural habitat through the planting of native plant species and native hard mass trees; and

WHEREAS, the project area consists of approximately 86.8 acres along Olmos Creek extending from McCullough Avenue to the Olmos Dam and will provide a restored buffer area ranging from 50 to 300 feet from the creek bank, a portion of the project area is in the City of Alamo Heights, therefore, an Interlocal Agreement with City of Alamo Heights is needed to help secure property; and

WHEREAS, the City of San Antonio was notified of funding availability for the project in April 2014 and to implement the project, the City will contract with the San Antonio River Authority (SARA) for project management to include real estate services; and

WHEREAS, SARA will coordinate with the City of Alamo Heights to secure conservation easements (no money will be paid towards these easements) on private property for the buffer and it is anticipated that real estate values from these conservation easements will provide a majority of the 35% local contribution for the project with the estimated \$152,875 cash match making up the remainder of the non-federal share; and

WHEREAS, the City and SARA will execute an Interlocal Cooperative Agreement not to exceed \$200,000 to outline project management and real estate services, as well as operations and maintenance of the ecosystem to ensure establishment of the restored area; and

WHEREAS, this Ordinance authorizes the execution of a Participation Contract with the **U.S. Army Corps of Engineers** in the amount not to exceed \$2,454,038.00 for the Olmos Creek Restoration Project and committing a 35% local contribution; authorizing the negotiation and execution of Interlocal Agreements with the City of Alamo Heights and the San Antonio River Authority (SARA) for use of property within their jurisdictions and authorizing payment of an amount not to exceed \$200,000.00 to SARA for project management; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, is authorized to execute a Participation Agreement with the **U.S. Army Corps of Engineers** in the amount not to exceed \$2,454,038.00 for the Olmos Creek Restoration Project and committing a 35% local contribution.

SECTION 2. The City Manager, or her designee, is authorized to negotiate and execute Interlocal Agreements with the City of Alamo Heights and the San Antonio River Authority (SARA) for use of property within their jurisdictions and authorizing payment of an amount not to exceed \$200,000.00 to SARA for project management

SECTION 3. The Contract must be executed within 45 days of signing of this Ordinance; if the parties are not able to finalize within 45 days, the Agreements must be considered through a subsequent ordinance. Should a Contract be negotiated which substantially varies from the terms of the attached Contract, the Contract must be considered through a subsequent Ordinance.

SECTION 4. The following financial adjustments are hereby approved:

- a) Payment in the amount not to exceed \$200,000.00 in SAP Fund 48099000, Municipal Drainage Capital Projects, SAP Project Definition 23-01440, Olmos Creek Ecosystem Restoration, is authorized to be encumbered and made payable to **San Antonio River Authority**, for project management. Payments for services are contingent upon City Council approval of the FY 2015-FY 2020 Capital Improvements Program. All expenditures will comply with approved capital budgets for current and future fiscal years.
- b) Payment in the amount not to exceed \$152,875.00 in SAP Fund 48099000, Municipal Drainage Capital Projects, SAP Project Definition 23-01440, Olmos Creek Ecosystem Restoration, is authorized to be encumbered and made payable to **U.S. Army Corps of Engineers (USACE)**, for construction services. Payments for services are contingent upon City Council approval of the FY 2015-FY 2020 Capital Improvements Program. All

expenditures will comply with approved capital budgets for current and future fiscal years

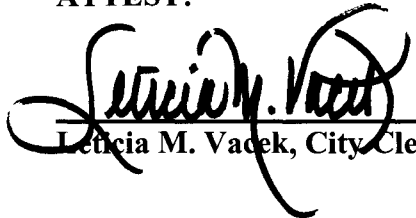
- c) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, 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 21st day of August, 2014.



M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vadek, City Clerk

APPROVED AS TO FORM:



Robert F. Greenblum, City Attorney

Agenda Item:	16 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19A, 19B, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33)						
Date:	08/21/2014						
Time:	09:14:51 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance for the Olmos Creek Restoration Project authorizing the execution of a Project Participation Agreement with the U.S. Army Corps of Engineers committing a 35% local contribution including an estimated \$152,875 cash match; authorizing the negotiation and execution of Interlocal Cooperative Agreements with the City of Alamo Heights for use of property within its jurisdictions and the San Antonio River Authority for project management in an amount not to exceed \$200,000.00. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Transportation and Capital Improvements; John Dugan, Director, Planning and Community Development]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy Taylor	Mayor		x				
Diego Bernal	District 1		x				
Keith Toney	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Mari Aguirre-Rodriguez	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	