

ORDINANCE

AUTHORIZING A FUNDING AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO (UTSA) IN AN AMOUNT NOT TO EXCEED \$2,671,236.00, FOR A WATER QUALITY DEMONSTRATION PROJECT UNDER THE PROPOSITION 1 EDWARDS AQUIFER PROTECTION PROGRAM FOR A PERIOD OF THREE YEARS.

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WHEREAS, in May 2015, voters renewed for the third time the Proposition 1 Edwards Aquifer Protection Program, funded through a portion of a 1/8-cent sales tax in the amount of \$100 million; and

WHEREAS, previous elections set the initiative at \$90 million and included Edwards Aquifer protection efforts beyond Bexar County; and

WHEREAS, the current voter- approved program includes \$10 million dedicated for aquifer water quality projects within urbanized areas of Bexar County over the Recharge and Contributing Zones of the Edwards Aquifer; and

WHEREAS, these projects have come to be known as “demonstration projects” which the City is pioneering in coordination with San Antonio River Authority, Edwards Aquifer Authority and San Antonio Water System; and

WHEREAS, a University of Texas at San Antonio (UTSA) demonstration project is recommended for the Research/Study and New Construction/Retrofit category; and

WHEREAS, as part of their research proposal, UTSA will focus on the low-density and significantly forested Leon Creek Watershed to study the relation between land cover and water quality, with a focus on the replacement of forest cover/Ashe Juniper with impervious cover; and

WHEREAS, this project will also provide three years of data analysis on the efficacy of Low Impact Development (LID) improvements including a bioswale, vegetative filter strip and sand filtration which will be incorporated into a UTSA-funded parking lot construction project on their campus to improve water quality within the developing watershed; and

WHEREAS, additionally, the project will construct a 2,000 square foot Edwards Aquifer Recharge Living Laboratory on the UTSA main campus located adjacent to the established National Wildlife Federation Certified Pollinator Habitat under the Mayor’s Monarch Challenge; and

WHEREAS, this facility will be operated by the UTSA Office of Facilities and will serve as a permanent Best Management Practices (BMP) demonstration facility and will offer long-term educational opportunities to K-12 and higher education students throughout the community; and

WHEREAS, LID features including rain garden, roof-top rain collection system and green roof will retrofit a four-acre watershed that is 70 percent impervious cover and is currently not required to have water quality treatment in accordance with Texas Commission on Environmental Quality (TCEQ) rules; and

WHEREAS, this project is recommended for consideration and was endorsed by the Conservation Advisory Board on May 23, 2018; and

WHEREAS, the UTSA agreement will be executed in compliance with the Small Business Economic Advocacy (SBEDA) Program, which requires contracts be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract in an effort to maximize the amount of small minority, and women- owned business participation on the contract; and

WHEREAS, the Goal Setting Committee set a 29% Minority/Women Business Enterprise (M/WBE) subcontracting goal to the UTSA contract, which applies solely to the City's funds appropriated toward the construction portion of this project's scope of work; and

WHEREAS, UTSA has committed a 29% Minority, Women-Owned Business Enterprise (M/WBE) subcontractor participation; and

WHEREAS, in April 2016, the City entered into an interlocal agreement (ILA) with the San Antonio River Authority (SARA) to serve as project manager for the \$10 million "demonstration project" component of the Edwards Aquifer Protection Program; and

WHEREAS, as project manager, SARA convened stakeholder meetings to assess demonstration project needs and define its scope; and

WHEREAS, through this process SARA created a Technical Advisory Committee (TAC), comprised of key industry experts, City staff, and representatives from both the development and conservation communities; and

WHEREAS, once convened, the TAC created the scoring tool used to assess project submissions; and

WHEREAS, an eligible project includes those projects that address and improve water quality in developed areas that do not meet current Texas Commission on Environmental Quality (TCEQ) standards; and

WHEREAS, funding for projects will cover only the cost of implementing BMPs for storm water analysis that exceeds minimum TCEQ permit requirements; and

WHEREAS, projects must accommodate collection of pre- and post-construction storm water monitoring (SWM) data; and

WHEREAS, projects may also be research based and should assess major threats to groundwater quality; develop specific BMP long-term performance and life cycle costs; forecast regional impacts of urban development on groundwater quality; and/or evaluate the

effectiveness of BMP innovations in preventing pollution of groundwater; **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 of the Parks and Recreation Department or his designee, is authorized to enter into a funding agreement with the University of Texas at San Antonio (UTSA) in an amount not to exceed \$2,671,236, for water quality demonstration project under the 2015 Proposition 1 Edwards Aquifer Protection Program for a period of three years. A copy of the funding agreements with UTSA in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Payment not to exceed \$2,671,236.00 in SAP Fund 40099000, Other Capital Projects, SAP Project Definition 26-00638, Edwards Aquifer Protection Program, is authorized to be encumbered and made payable to University of Texas at San Antonio (UTSA), to be used for the implementation of the aquifer protection project.

SECTION 3. 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 4. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this _____th day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

SW/ah
xx/xx/xx
Item #18-4921

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ATTACHMENT

