

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

ORDINANCE

AUTHORIZING THE EXECUTION OF A PROGRAMMATIC AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, THE UNITED STATES ARMY CORPS OF ENGINEERS FORT WORTH DISTRICT, AND THE TEXAS HISTORICAL COMMISSION FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (AS AMENDED) FOR INFRASTRUCTURE MAINTENANCE REPAIRS, IMPROVEMENT AND STABILIZATION PROJECTS IN BRACKENRIDGE PARK UNDER SECTION 404 OF THE CLEAN WATER ACT, LOCATED IN COUNCIL DISTRICTS 1 & 2

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WHEREAS, the Clean Water Act is the primary federal law in the United States governing water pollution and any discharge of dredged or fill materials into the “waters of the United States” (WOUS), including wetlands is illegal unless authorized by a permit issued by the United States Army Corps of Engineers (USACE) pursuant to Section 404; and

WHEREAS, under the National Historic Preservation Act of 1966 (as amended), Section 106 directs the review of possible effects of proposed projects on listed and eligible historic resources and when project activities occur within a historic district, or to listed or eligible historic resources, the coordination with the USACE for a Section 404 permit is mandated; and

WHEREAS, Brackenridge Park is listed as a State Antiquities Landmark (SAL) and is in the National Register of Historic Places (NRHP) as a Historic District; within Brackenridge Park, the San Antonio River (a WOUS) is a centerpiece of user activities and contributes to the unique character of the Park; and any proposed project occurring at or below the water level of the San Antonio River will trigger review under Section 404; and

WHEREAS, this Programmatic Agreement (PA) will standardize the federal permit review process, the environmental process and the overall project budget and schedule by providing procedures effecting Brackenridge Park maintenance, repairs and stabilization projects on historic properties and the execution of the agreement will enable regulatory agencies to streamline cultural resource studies and expedite the permitting process to allow future Brackenridge Park projects to be constructed in a timely manner; and

WHEREAS, this Ordinance authorizes the execution of a Programmatic Agreement (PA) between the City of San Antonio, the United States Army Corps of Engineers (USACE) Fort Worth District, and the Texas Historical Commission (THC) for compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended) for infrastructure maintenance repairs, improvement and stabilization projects in Brackenridge Park under Section 404 of the Clean Water Act, located in Council Districts 1 & 2; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or designee, or the Director, TCI, or designee, is hereby authorized to take all actions necessary to negotiate and execute a Programmatic Agreement (PA) between the United States Army Corps of Engineers (USACE) Fort Worth District, the Texas Historical Commission (THC), and the City of San Antonio (COSA) for addressing cultural resource activities associated with Clean Water Act Section 404 permitted activities within Brackenridge Park, located in City Council Districts 1 and 2. The term shall start after the City executes the PA. A copy of the PA, in substantially final form, is attached and incorporated herein for all purposes as **Attachment I**. The execution authority granted by this ordinance shall expire 60 days from the effective date.

SECTION 2. There is no fiscal impact to the General Fund for this initiative.

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 shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

PASSED and APPROVED this ____th day of _____, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney