

ORDINANCE 2020-04-09-0251

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO RIVER AUTHORITY (SARA) INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR THE DEMOLITION AND RECONSTRUCTION OF THE SPANISH GOVERNOR'S PALACE WALL IN RELATION TO THE SAN PEDRO CREEK IMPROVEMENTS PROJECT.

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WHEREAS, the west courtyard wall of the Spanish Governor's Palace was built in 1930, has exceeded its life expectancy and is deteriorating; and

WHEREAS, in 2017 the City and SARA entered into an interlocal agreement for the San Pedro Creek Improvements Project pursuant to which SARA manages and implements City funds for the support of improvement and restoration of San Pedro Creek; and

WHEREAS, the failing west courtyard wall of the Spanish Governor's Palace fronts the San Pedro Creek Improvements Project and the improvements to San Pedro Creek will necessitate the demolition of part of the existing masonry wall and foundation, installation of temporary electrical service, and the construction of a new replacement wall and foundation; and

WHEREAS, this amendment establishes the responsibilities of the parties and enables reimbursement to SARA for the design of the foundation and the construction of the aforementioned wall; and

WHEREAS, it is necessary to amend the Interlocal Agreement accordingly and authorize the execution of such amendment increasing the agreement by \$250,000.00 for the demolition and reconstruction of the Spanish Governor's Palace Wall; **NOW THEREFORE:**

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

SECTION 1. The City Manager, or designee, is authorized to execute an amendment with San Antonio River Authority (SARA) in the amount not to exceed \$250,000.00 for the demolition and reconstruction of the Spanish Governor's Palace Wall in relation to the San Pedro Creek Improvements Project. A copy of the amendment in substantially final form is attached as **Exhibit I**.

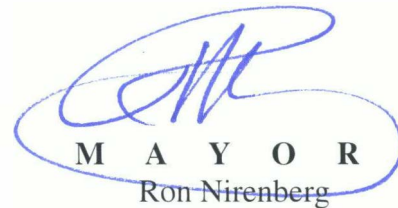
SECTION 2. Payment is authorized to be encumbered and made payable to San Antonio River Authority in an amount not to exceed \$250,000.00. Payment is in support of the Spanish Governors Palace Wall Project, using Fund 43099000, with WBS 23-01840-05-02-01 and General Ledger 5201140. Funding is provided by Tax Notes and is budgeted in the FY2020-FY2025 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 General Ledger Accounts as necessary to carry out the purpose of this Ordinance.

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

PASSED and APPROVED this 9th day of April, 2020.



M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney



City of San Antonio

City Council

April 09, 2020

Item: 11

Enactment Number:

File Number: 20-1547

2020-04-09-0251

Ordinance approving an amendment to an Interlocal Agreement with the San Antonio River Authority in the increased amount not to exceed \$250,000.00 for the demolition and reconstruction of the Spanish Governor's Palace Wall in relation to the San Pedro Creek Improvements Project, a 2017 Bond funded project. Funds are available from FY 2020 Tax Notes and are included in the FY 2020 – FY 2025 Capital Improvement Program. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember John Courage made a motion to adopt. Councilmember Manny Pelaez seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

KRH
04/9/20
Item No. 11

EXHIBIT I

STATE OF TEXAS

COUNTY OF BEXAR

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**AMENDMENT NO. 2
TO THE INTERLOCAL AGREEMENT
BETWEEN CITY OF SAN ANTONIO,
TEXAS AND THE SAN ANTONIO
RIVER AUTHORITY FOR THE SAN
PEDRO CREEK IMPROVEMENTS
PROJECT**

This Amendment No. 2 to the Interlocal Agreement ("Amendment") executed by and between the City of San Antonio (hereinafter referred to as "City"), and the San Antonio River Authority, a conservation and reclamation district (hereinafter referred to as "River Authority"), and all of which may also be referred to herein individually as a "Party" or collectively as the "Parties".

WHEREAS, City and River Authority entered into the Interlocal Agreement between City of San Antonio, Texas and the San Antonio River Authority ("ILA") pursuant to Ordinance No. 2017-12-14-0995 for the San Pedro Creek Improvements Project in support of the improvement and restoration of San Pedro Creek ("Project"); and

WHEREAS, the Project will design and construct San Pedro Creek improvements and drainage and flood control improvements, linear hike and bike trails, and other related improvements along the creek; and

WHEREAS, the failing west courtyard wall of the Spanish Governor's Palace fronts the Project and the improvements to San Pedro Creek will necessitate the demolition of part of the existing masonry wall and foundation, installation of temporary electrical service, and the construction of a new replacement wall and foundation; and

WHEREAS, this amendment establishes the responsibilities of the parties and enables reimbursement to the River Authority for the design of the foundation and the construction of the aforementioned wall in the amount of \$250,000.00;

NOW THEREFORE, the Parties severally and collectively agree and, by mutual execution hereof, are bound to the mutual obligations contained herein and to the performance and accomplishment of the tasks herein described and amend the ILA between City and River Authority as follows:

1. **Article III Scope of the Project.** Article III Scope of the ILA is hereby amended to add and incorporate the following scope to the ILA:

"The San Antonio River Authority will manage and implement the following:

- Demolition of the existing masonry wall and foundation,
- Design and installation of the replacement foundation for the new masonry wall,
- Permitting with the City of San Antonio Development Services Department for the replacement foundation,
- Archaeological permitting with the Texas Historical Commission (THC) for the demolition of the existing wall and the replacement

- foundation,
- Maintenance of electrical service to the Spanish Governors Palace buildings and facilities,
- Replacement of all damaged underground utilities,
- Archeological shovel testing,
- Monitoring, and observation of the demolition of the existing wall and the installation of the replacement foundation consistent with the plan developed with the THC and the City of San Antonio Office of Historic Preservation (OHP),
- Possible salvage, storage, and reuse of salvageable materials for the existing wall and foundation to be determined by OHP,
- Meeting any Section 106 requirements deemed necessary by the United States Army Corp of Engineers (USACE) under the Agreement, and
- Construction of a new masonry wall following plans provided by the City of San Antonio's design team."

2 Article VI. A. City Funding. Article VI. A. City Funding of the ILA is hereby amended to increase the amount of the CITY FUNDING by TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$250,000.00) for a revised CITY FUNDING amount of \$22,900,000.00.

Except as amended hereby, all other provisions of the ILA are hereby retained in their entirety and remain unchanged.

EXECUTED and AGREED to as of the dates indicated below.

CITY OF SAN ANTONIO

SAN ANTONIO RIVER AUTHORITY

(Signature)
Razi Hosseini
Director
Public Works Department
Date:

(Signature)
Printed Name: Suzanne B Scott
Title: General Manager
Date: 3/27/20

Approved as to Form:

Assistant City Attorney