



# **BEXAR COUNTY COMMISSIONERS COURT**

## **PUBLIC WORKS DEPARTMENT Capital Improvement Projects**

### **COURT ORDER**

ORDER authorizing the approval of the Fifth Amended Interlocal Agreement between Bexar County and the City of San Antonio in connection with the Heuermann Road at Maverick Creek Tributary 6 Project and Bulverde Road at Tributary to Elm Waterhole Creek Project, Precinct 3, at no cost to the County.

**Consent Agenda Item # 20**

**PASSED THIS 2<sup>ND</sup> DAY OF JUNE, 2020**

STATE OF TEXAS

COUNTY OF BEXAR

§ FIFTH AMENDMENT TO  
§ INTERLOCAL AGREEMENT FOR  
§ WATERSHED PROJECTS

**THIS FIFTH AMENDMENT TO INTERLOCAL AGREEMENT FOR WATERSHED PROJECTS** ("Fifth Amendment") is effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 ("Effective Date") by and between **COUNTY OF BEXAR** a political subdivision of the State of Texas ("County"), and **CITY OF SAN ANTONIO, TEXAS**, a Texas Home Rule Municipality ("City"). This Fifth Amendment is entered into by County and City pursuant to the authority granted by the provisions of the Interlocal Cooperation Act, Texas Government Code, Chapter 791.

**WITNESSETH**

WHEREAS, County and City have historically worked together to fund and deliver watershed management projects to benefit the citizens of Bexar County which was accomplished through interlocal agreements between the Parties and by contracts with other governmental entities and private sector service providers; and

WHEREAS, through the Texas Local Government Code, Chapter 561, the commissioners court of a county may contract with a governmental unit, including a municipality, to jointly construct or maintain improvements for the purpose of providing flood control or drainage as it relates to flood control; and

WHEREAS, County, City, and the San Antonio River Authority entered into an Interlocal Agreement in 2003 for the implementation of a Regional Management Program for unified and equitable flood control, drainage, and storm water management; and

WHEREAS, County has selected the Projects described herein from the Regional Management Program; and

WHEREAS, County desires to improve City's existing drainage improvements designated and referenced herein, collectively, as Projects or, individually, as Project, through County's provision of funding and project management during the design and construction phases of the Projects; and

WHEREAS, if City does not have fee interest or easement rights in the land or parcels of land upon which the Project is constructed and all other parcels or easements necessary for the Project's flood control, drainage or storm water management operations, upon Substantial Completion, City shall accept transfer from COUNTY or San Antonio River Authority of its fee interests or easement rights in the parcels of land and improvements; and

WHEREAS, upon Substantial Completion, City will provide funding for maintenance and repair of the Projects; and

WHEREAS, the Agreement establishes and promotes collaborative management of the Projects through: (1) City's provision of oversight of County's management of the Projects

through Substantial Completion; and (2) City's maintenance and repair of the Projects' improvements following Substantial Completion of the Projects;

WHEREAS, this Fifth Amendment is amending the Agreement that commenced on June 12, 2012 for a Term of ten (10) years in order to include two (2) projects.

NOW, THEREFORE, in consideration of mutual covenants and agreements contained herein, the undersigned Parties agree to the terms and conditions set out below.

## **ARTICLE I** **RECITALS**

- 1.01 The foregoing recitals are incorporated into the terms of this Agreement and shall be binding on the Parties.

## **ARTICLE II** **MODIFICATION TO AGREEMENT AND TERM**

- 2.01 The purpose of this Fifth Amendment is to recognize the continuation of the terms and conditions established in the Agreement, as amended, for: (1) managing the design and construction associated with the Projects; (2) funding the construction; (3) transfer of fee interest or easement rights in land and improvements; and (4) operating and maintaining the Projects upon Substantial Completion of the construction.
- 2.02 Attached hereto and incorporated herein as Exhibit A are two (2) projects that the County desires to include in the Projects subject to the terms of the Agreement, as amended. It shall not be a breach of this Agreement if these Projects are not commenced during the Term since the Projects were approved by Bexar County Commissioners Court during the Term of the Agreement.

## **ARTICLE III** **OTHER TERMS AND CONDITIONS**

- 3.01 All other terms and conditions of the Agreement, as amended, between the County and the City are unchanged and remain in full force and effect.

EXECUTED IN DUPLICATE ORIGINALS, EACH OF WHICH SHALL HAVE THE FULL FORCE AND AFFECT OF AN ORIGINAL, ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

**COUNTY OF BEXAR**

By: \_\_\_\_\_

NELSON W. WOLFF  
County Judge

6-2-2020

APPROVED AS TO LEGAL FORM:

PATRICIA G. PROWSE  
Assistant Criminal District Attorney  
Civil Division

APPROVED AS TO FINANCIAL  
CONTENT:

LEO S. CALDERA, CIA, CGAP  
County Auditor

DAVID SMITH  
County Manager

APPROVED:

BY: \_\_\_\_\_

RENEE D. GREEN, PE

For Director of Public Works/County  
Engineer

**CITY OF SAN ANTONIO, TEXAS**

By: \_\_\_\_\_

ERIK WALSH  
City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

ANDREW SEGOVIA  
City Attorney

APPROVED:

BY: \_\_\_\_\_

RAZI HOSSEINI, P.E., R.P.L.S.  
Director of Public Works/City  
Engineer



"EXHIBIT A"  
**PUBLIC WORKS DEPARTMENT**  
*Flood Control*

Project: **Heuermann Rd at Maverick  
Creek Tributary 6**

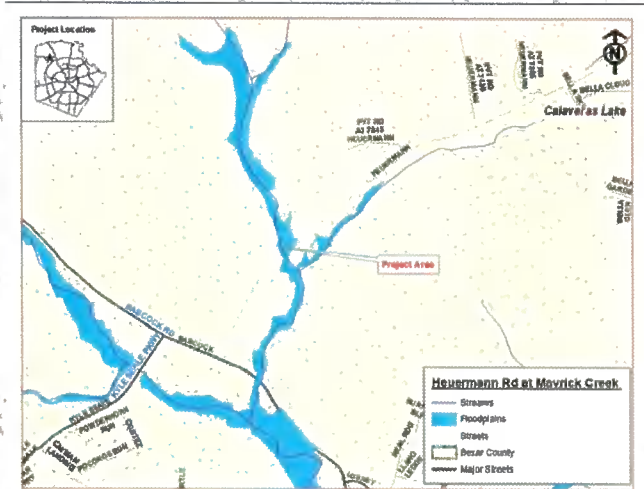
**Precinct:** 3

**Type of Project:**  
Low Water Crossing

**Watershed:** Leon Creek

**Scope:** This project will evaluate the existing low water crossing at the unnamed tributary to Maverick Creek to provide access for higher frequency storm events.

**Status:** Planning



**Additional Information:**

**Total Budget Need:** \$ 6,630,000

**Proposed FY Budget FY 2018 – 2019:** N/A

**Proposed FY Budget 2019 – 2020:** \$ 1,080,000





## ***PUBLIC WORKS DEPARTMENT***

### ***Flood Control***

**Project: Bulverde Rd at Tributary of Elm Waterhole Creek**

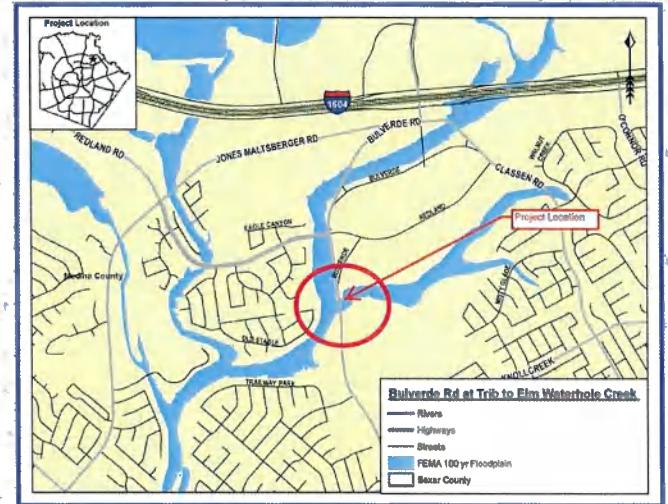
**Precinct: 3**

**Type of Project:**  
Low Water Crossing

**Watershed:** Salado Creek

**Scope:** Design and construction of a drainage structure capable of passing FEMA floodplain under Bulverde Road at tributary to Elm Waterhole Creek.

**Status:** Planning



#### **Additional Information:**

**Total Budget Need: \$ 4,162,000**

**Proposed FY Budget FY 2018 – 2019: N/A**

**Proposed FY Budget 2019 – 2020: \$ 520,000**