

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

ORDINANCE

**AUTHORIZING EXECUTION OF AN AMENDMENT TO AN
INTERLOCAL AGREEMENT WITH THE SAN ANTONIO RIVER
AUTHORITY TO EXTEND TERM TO FEBRUARY 28, 2025 AND
INCREASE CONTRACT VALUE TO \$522,092.00 FOR CONTINUED
PROJECT MANAGEMENT OF THE EDWARDS AQUIFER
PROTECTION PROGRAM'S RECHARGE AND WATER QUALITY
DEMONSTRATION PROJECTS IN BEXAR COUNTY.**

* * * * *

WHEREAS, the purpose of the Edwards Aquifer Protection Program ("EAPP") is to protect the quality and quantity of water recharging into the aquifer; in May 2015 Proposition 1 was placed on the election ballot in which voters approved the 1/8-cent venue sales tax generating \$100 million for continued expansion of the EAPP; and

WHEREAS, Proposition 1 included \$10 million for incorporation of new recharge and water quality demonstration projects within urbanized areas of Bexar County; the balance of \$90 million is currently supporting the program's efforts to obtain real estate interests by fee-simple purchase, conservation easements or donations of land over the sensitive recharge and contributing zones of the Edwards Aquifer; and

WHEREAS, in 2016, City Council authorized the Parks and Recreation Department to enter into an Interlocal Agreement ("ILA") with the San Antonio River Authority ("SARA") in the amount of \$476,901.00 to perform project development and management as well as program evaluation services over the life of the 2015 Venue Sales Tax election; as the City of San Antonio's project manager, SARA has successfully collaborated with consultants and existing aquifer stakeholders to develop the methodology and strategies to identify and/or develop projects for implementation with the earmarked \$10 million; and

WHEREAS, the term of the current ILA expires on June 30, 2021 and an extension of the term to February 28, 2025 is proposed to extend SARA's project management services for the funded water quality demonstration projects, the last of which are scheduled to be completed in Fall 2024; and

WHEREAS, the SARA ILA amendment will increase the contract value by \$45,191.00 to cover continued project management expenses and related reporting through the extended term to February 28, 2025; and

WHEREAS, the proposed ILA amendment was presented to the Conservation Advisory Board on February 24, 2021, which endorsed moving the item forward to the full Council for consideration; **NOW THEREFORE:**

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

SECTION 1. The City Manager or his designee is hereby authorized to amend the Interlocal Agreement between the City of San Antonio and San Antonio River Authority (SARA) authorizing an increase to the contract of \$45,191.00 for a total of \$522,092.00 and to extend the contract term to February 28, 2025 in a form substantially similar to **Attachment I**. The funds are available in the Edward Aquifer Protection Program Project and in the FY 2021-2026 Capital Improvement Program.

SECTION 2: 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 GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3: This Ordinance becomes effective immediately upon its passage by eight (8) votes or more and 10 days after passage upon its approval by less than eight (8) votes.

PASSED AND APPROVED this 17th day of June, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

Attachment I

STATE OF TEXAS	§	AMENDMENT #1 TO INTERLOCAL
	§	AGREEMENT BETWEEN CITY OF SAN
CITY OF BEXAR	§	ANTONIO, TEXAS AND THE SAN
		ANTONIO RIVER AUTHORITY FOR THE
		IMPLEMENTATION OF THE EDWARDS
		AQUIFER AND WATERSHED
		PROTECTION PROJECT

WHEREAS, the City of San Antonio, Texas ("CITY") and San Antonio River Authority ("RIVER AUTHORITY"), entered into an Interlocal Agreement dated June 17, 2016 (the "Original Agreement") which was approved by City Council Ordinance 2016-04-28-0305 in the total amount of \$476,901 in Proposition 1 funding; and

WHEREAS, under the terms of the Original Agreement, the RIVER AUTHORITY agreed to provide project development and management as well as project evaluation services for the 2015 Proposition 1 funded water quality protection projects over an estimated five-year term; and

WHEREAS, a total of ten (10) Proposition 1 funded water quality protection projects ("Projects") have been funded to date with one additional project pending approval by San Antonio City Council which is anticipated to extend the date of final completion for all approved Projects to August 31, 2024; and

WHEREAS, the term of the Original Agreement expires on June 30, 2021 and the parties mutually agree to extend the term of the Original Agreement until February 28, 2025 or until the Scope of Work as referenced in Exhibit "A" of the Original Agreement and as modified through this Amendment #1 has been completed in its entirety, whichever occurs last; and

WHEREAS, in consideration of the term extension and the mutual desire for the RIVER AUTHORITY to continue providing management services for the Projects, the parties desire to increase the value of the Original Agreement to \$522,092.00, an overall increase of \$45,191.00, to cover the RIVER AUTHORITY's additional personnel expenses for continued management services associated with the Projects and third party consulting services to assist the RIVER AUTHORITY in the development of a comprehensive final report on the final results and recommendations of the completed Projects.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the Parties hereby agree as follows:

A. Funding:

1. Section VI.A.3. of the Original Agreement is hereby amended in order to increase the amount of CITY FUNDING to RIVER AUTHORITY for a total amount not to exceed FIVE HUNDRED TWENTY-TWO THOUSAND NINETY-TWO DOLLARS (\$522,092.00) to be utilized solely for the costs associated with Initiating, Planning/Project Management, Implementation Oversight, Construction Design Oversight, and Construction Inspection, as itemized in Exhibit "A" herein and replacing Exhibit "A" of the Original Agreement, including RIVER AUTHORITY's personnel expenses and consulting services associated with compilation of a final comprehensive report on the results and recommendations of the completed Projects as referenced in Task 2.9 of Exhibit "A" herein.
2. Section VI.B.1. of the Original Agreement is hereby amended in order to increase RIVER AUTHORITY's contribution for contracts and consultants to FIFTY-NINE THOUSAND THREE HUNDRED FIFTY-FIVE DOLLARS (\$59,355) and to decrease RIVER AUTHORITY's contribution for in-kind staff work to FORTY-NINE THOUSAND SEVEN HUNDRED

C210306

Attachment I

SEVENTY THREE DOLLARS (\$49,773) as further outlined in the Project Budget as attached in Exhibit "B" herein and replacing Exhibit "C" in the Original Agreement, with no change to the overall total amount of RIVER AUTHORITY in-kind contribution.

- B. Project Schedule: Section V of the Original Agreement is hereby amended to extend the term until February 28, 2025 or a mutually agreed upon date in which the amended Scope of Work as outlined in Exhibit "A" herein (replacing Exhibit "A" of the Original Agreement) has been completed by RIVER AUTHORITY in its entirety and the parties mutually agree that all deliverables have been successfully met, whichever occurs last. Further City Council consideration shall not be required in the event the parties mutually agree to administratively extend the term via subsequent amendment(s).
- C. All terms and restrictions of the Original Agreement shall remain in effect unless otherwise modified under this Amendment No. 1.

Signed this ____ day of _____, 2021.

CITY OF SAN ANTONIO

By: _____
Homer Garcia III, Director
Parks and Recreation Department

Approved as to Form:

City Attorney

SAN ANTONIO RIVER AUTHORITY

By:  _____
Derek E. Boese, JD, PMP
General Manager

Approved as to Form:

 _____
Director of Legal Services

C210306

Attachment I

EXHIBIT "A"

PROJECT SCOPE OF WORK

The City of San Antonio (CITY) proposed an Edwards Aquifer Protection Venue Project and Sales Tax Proposition 1 (PROP 1) to the San Antonio voters in Bexar County on May 9, 2015, to provide \$10 million over a five-year period toward Edwards Aquifer and watershed protection within urban areas of Bexar County's recharge and contributing zones with the intention of improving Edwards Aquifer water quality. Recognizing there are numerous projects with potential to increase water quality, the CITY seeks to contract with the San Antonio River Authority (RIVER AUTHORITY) to project manage a stakeholder-driven process to identify, prioritize, budget, phase, and implement projects funded through PROP 1.

The Initiating and Planning phases of the RIVER AUTHORITY'S scope of work will include re-engaging and potentially expanding a stakeholder committee, originally convened by the CITY in May and June 2015, to develop a draft plan to be presented to the City and Conservation Advisory Board (CAB). The plan will be conceptual in nature, as it will identify project types (e.g., education, data collection/analysis, storm water best management practice retrofits or new construction, etc.) recommended by the stakeholder group and/or a technical advisory committee to be eligible for PROP 1 funding, budget allocations per type, and project phasing.

Upon the conceptual plan's acceptance by City, RIVER AUTHORITY will work through the stakeholder committee and/or technical advisory committee and CAB to identify and implement specific projects within each prioritized project type subject to City Council approval. RIVER AUTHORITY will also oversee the development of a prioritization tool to ensure objectivity in ranking and prioritizing eligible projects for implementation. The tool will be developed with input from the stakeholder committee and/or the technical advisory committee and will be submitted to the City and CAB for final review and approval.

This scope includes funding for RIVER AUTHORITY to support the stakeholder committee and CAB in its planning process by providing GIS and water quality modeling data and analyses.

During the Implementation phase, RIVER AUTHORITY will ensure that projects developed through PROP 1 funding are designed and implemented to maximize Edwards Aquifer watershed and recharge water quality protections. Should the prioritized projects include retrofit or construction of storm water best management practices (BMPs, such as low impact development features), RIVER AUTHORITY will perform pre- and post-construction storm water quality monitoring and the related laboratory analysis on BMPs. RIVER AUTHORITY will also provide design oversight on all construction or retrofit BMPs and construction oversight of all BMPs on up to two construction sites. For a three-year period after construction, or through the 28th day of February, 2025, or another date as determined by the Parties upon the successful completion of the Project, whichever comes first, RIVER AUTHORITY'S services also include construction/retrofit project monitoring and reporting to the CITY any BMPs not being maintained as required to ensure expected performance. (Maintenance of said BMPS is not included in RIVER AUTHORITY'S scope of work.)

C210306

Attachment I

RIVER AUTHORITY's project management role also includes coordinating all funded project components; schedule and budget management of all funded projects; responding to public inquiries about funded projects; ensuring quality controls on and accountability for all funded projects not involving construction, such as education outreach and data collection and analysis. RIVER AUTHORITY'S final deliverable to CITY prior to the termination date of this Interlocal Agreement will be a report on all funded projects. Project status, performance, findings, lessons learned, and recommendations for future project funding will be included. RIVER AUTHORITY services will also support CITY in securing continued voter education regarding and funding of PROP 1 initiatives.

	Task Detail
Task 1: Initiating	<ul style="list-style-type: none"> • 1.1 Administrative • 1.2 Stakeholder meeting logistics: <ul style="list-style-type: none"> ○ 1.2.1 SARA-funded kick-off meeting with consultant (and COSA staff if desired) Discovery meeting with purpose to validate desired outcomes, role and profile of stakeholders; review desired outcomes of facilitated meetings; and review draft charter for the stakeholder group. ○ 1.2.2 SARA-funded consultant presentation designed to provide stakeholder group background information about concerns in the Edwards Aquifer and successful multi-phase, comprehensive programs in other communities funded toward aquifer recharge and watershed protection. Any case studies identified through research involving aquifer protection, including through LID, will be presented. ○ 1.2.3 SARA technical staff support (GIS, water quality data, etc.) for presentation
Task 2: Planning/Project Management	<ul style="list-style-type: none"> • 2.1 Project management (all five years): assumes oversight of individual projects funded by Prop 1 • 2.2 Two SARA-funded consultant facilitated planning workshops for stakeholder and/or technical groups • 2.3 Three consultant facilitated workshops finalizing planning and identifying and prioritizing eligible projects • 2.4 SARA-funded consultant development of prioritization tool to rank eligible projects. The tool will be developed with input from the stakeholder and/or technical advisory committees, and then submitted to the City and CAB for review and approval.

C210306

Attachment I

	<ul style="list-style-type: none"> • 2.5 Stakeholder meeting logistics: <ul style="list-style-type: none"> ○ SARA coordination of meeting agendas and notifications, facility, meeting support materials, and collection of any “homework” between meetings to prepare for next. • 2.6 Technical support provided by SARA: <ul style="list-style-type: none"> ○ 2.5.1 GIS ○ 2.5.2 Water quality modeling ○ 2.5.3 Storm water monitoring ○ 2.5.4 LID BMP design and construction • 2.7 Consultant drafting of conceptual plan report consisting of project types, budget allocations per type, and phasing for City Council approval. Document shall serve as a guiding document for the identification and ranking of eligible projects for implementation. • 2.8 Quarterly reports to CITY on PROJECT progress • 2.9 Final report on funded project status and performance
Task 3: Implementation Oversight	<ul style="list-style-type: none"> • 3.1 SARA staff coordination and facilitation of status report meetings to commence upon City Council approvals of the plan report and subsequent project list, phasing, and budgeting. • 3.2 Storm water monitoring equipment for pre-/post-construction storm water monitoring of construction site(s) • 3.3 Laboratory supplies for and analysis of storm water samples • 3.4 Storm water scientist support (collection of storm water samples) • 3.5 Intergovernmental support • 3.6 Public education/outreach
Task 4: Construction Design Oversight	4.1 Design support to ensure water quality thresholds are achieved through design
Task 5: Construction Inspection Oversight	5.1 BMP construction inspection both during construction and afterwards to ensure performance thresholds are met

C210306

VS
6/17/2021
Item No. XX__

Attachment I

EXHIBIT "B"

City of San Antonio Responsibility						
	Task 1 - Initiating	Task 2 - Planning/ Project Management	Task 3 - Implementation	Task 4 - Construction Design/Oversight	Task 5 - Construction Inspection	Total per Category
SARA Personnel	\$16,546	\$322,585	\$22,036	\$12,743	\$9,996	\$383,906
Consultants/Equipment/Supplies	0	57,685	80,501	0	0	138,186
Total Per Task	\$16,546	\$380,270	\$102,537	\$12,743	\$9,996	\$522,092

San Antonio River Authority Responsibility						
	Task 1 - Initiating	Task 2 - Planning/ Project Management	Task 3 - Implementation	Task 4 - Construction Design/Oversight	Task 5 - Construction Inspection	Total per Category
Contracts and Consultants	\$12,375	\$34,980	\$12,000	0	0	\$59,355
In-kind Work	10,436	13,289	26,048	0	0	49,773
Total Per Task	\$22,811	\$48,269	\$38,048	0	0	\$109,128

C210306