



# City of San Antonio

## Agenda Memorandum

**File Number:**18-2435

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**Agenda Item Number:** 19.

**Agenda Date:** 4/12/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Center City Development and Operations

**DEPARTMENT HEAD:** John Jacks

**COUNCIL DISTRICTS IMPACTED:** 1

### **SUBJECT:**

Operations and Maintenance Agreement between the City of San Antonio, San Antonio River Authority, and Bexar County for the San Pedro Creek Project.

### **SUMMARY:**

Consideration of the following items related to the San Pedro Creek Improvement Project located downtown in Council District 1.

A. An Ordinance approving an Operations and Maintenance Agreement with San Antonio River Authority and Bexar County for San Pedro Creek.

B. An Ordinance authorizing the creation of three park police officer positions to be utilized for Phases 1 and 2 of the San Pedro Creek Project funded through the Houston Street Tax Increment Reinvestment Zone #9.

### **BACKGROUND INFORMATION:**

The San Pedro Creek Improvement Project shall revitalize a two mile segment of the creek through downtown San Antonio in four phases beginning at the IH-35 flood tunnel inlet near Fox Tech High School and ending at the confluence with Alazan and Apache Creeks at IH-35 near the stockyards. Bexar County has allocated \$132.5 million for the project and is working with the San Antonio River Authority (SARA) to complete the design and construction of the Project. SARA has contracted with Sundt Davila to the construct Phases 1 and 2.

On May 6, 2017, San Antonio voters approved the City of San Antonio's 2017-2022 Bond Program for a total of \$19,500,000 towards the San Pedro Creek Improvements Project. In December 2017, the City executed an Interlocal Agreement between SARA and the City in the amount of \$19,500,000 to go towards Phases 1 and 2 of the Project. The City has also contributed property to SARA to complete the project. The total value of the property conveyances is \$4,746,630.40.

The design work is funded for Phases 1 and 2. Construction is funded for the majority of Phase 1, which is being completed in three sub-phases. Phase 1.1 begins at the tunnel inlet and ends at Houston Street and will be open to the public on May 5, 2018 in celebration of Tricentennial Events. Phase 1.2 continues from Houston St. to Nueva, however, preconstruction early work has begun and is estimated to complete in July 2020.

## **ISSUE:**

A. The City, SARA and the County are looking to establish an agreement to identify responsibilities relative to the operations and maintenance of the San Pedro Creek from completion and acceptance of the project improvements through the next 30 years.

The Operations and Maintenance Agreement's outlines the roles and responsibilities related to the operations of the San Pedro Creek Project, SARA will perform the normal and customary operations for maintenance including operation of the Arsenal Pump Station, costs for utilities, reuse irrigation water, crest gates, public art, and contractual services for the project. The agreement sets for that SARA is responsible for venues and special events that occur on the San Pedro Creek.

Additionally, SARA shall coordinate annual inspections; provide approval and oversight of development of adjacent property with respect to water quality, landscaping, storm water management, trail connections, public access, construction, and operation and maintenance; and fund Capital Repairs not to exceed \$50,000 per Incident or \$100,000 annually and Capital Art Repairs not to exceed \$10,000 per Incident or \$20,000 annually. The agreement does require the City and County agree to fund 50%, each, for Capital Repairs and Capital Art Repairs that exceed these maximum occurrences and annual limits.

The agreement gives the City a participating role in annual inspections including review and approval of Standards and Schedules of Performance for waterways, horticulture, sanitation and other general maintenance activities.

The agreement does allow the City to have exclusive use of the San Pedro Creek Improvement Project for events up to five (5) days each calendar year.

The Operations and Maintenance Agreement provides an automatic renewal term for two additional 20 year periods unless a party objects to the renewal. The Operations and Maintenance Agreement is limited to Phase 1 and 2 of the Project but can be amended to include future phases thru future amendments.

B. The City will provide safety and security along Phases 1 and 2 of the San Pedro Creek by adding three full time San Antonio Park Police Officer positions, equipment, and supplies necessary to provide an active patrol of the project through 2034. On February 26, 2018, the Houston Street Tax Increment Reinvestment Zone #9 Board approved a resolution that provided funds to support three full time San Antonio Park Police Officers in the amount of \$4,185,916 from FY 2018 to FY 2034.

## **ALTERNATIVES:**

Should the Operations and Maintenance Agreement between the City, SARA, and Bexar County not be approved, all maintenance responsibilities would fall to the City as owners of the creek and project land.

**FISCAL IMPACT:**

A. This ordinance authorizes an operations and maintenance agreement with the San Antonio River Authority and Bexar County for the San Pedro Creek Project. Any Capital Repairs or Capital Art Repairs for the City's agreed 50% contribution beyond the SARA responsible amounts will either be addressed through existing departmental budget authorizations or through future City Council allocations.

B. This ordinance authorizes three full time park police positions to provide active patrol on San Pedro Creek. Additionally, this ordinance appropriates \$208,493 to the FY 2018 Park Police Budget which will be funded through the Houston Street TIRZ.

**RECOMMENDATION:**

A. Staff recommends an Ordinance approving an Operations and Maintenance Agreement with San Antonio River Authority and Bexar County for San Pedro Creek.

B. Staff recommends an Ordinance authorizing the creation of three park police officer positions to be utilized for Phases 1 and 2 of the San Pedro Creek Project funded through the Houston Street Tax Increment Reinvestment Zone #9.