

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

**ORDINANCE**

**ORDINANCE AMENDING THE OPERATIONS AND MAINTENANCE AGREEMENT WITH SAN ANTONIO RIVER AUTHORITY (SARA) AND BEXAR COUNTY FOR THE SAN PEDRO CREEK CULTURAL PARK TO INCLUDE THE OPERATION AND MAINTENANCE OF PHASES 3 AND 4 OF THE SAN PEDRO CREEK RESTORATION PROJECT, INCLUDING THE ADDED RESPONSIBILITIES RELATED TO THE ST. JAMES A.M.E. CHURCH SITE WITHIN THE FOOTPRINT OF THE PROJECT; AND GRANTING SARA THE AUTHORITY TO OPERATE AND MANAGE THE PUBLIC SPACES OF THE PROJECT DURING SPECIAL EVENTS.**

\* \* \* \* \*

**WHEREAS**, voters approved the 2017-2022 City of San Antonio Bond Program which included \$19,500,000 for the San Pedro Creek Restoration Project. In December 2017, the City executed an Interlocal Agreement (ILA) with the San Antonio River Authority (SARA) in the amount of \$19,500,000 for Phases 1 and 2 of the Project and the City has also contributed property to SARA to complete the project. The total value of the property conveyances was \$4,746,630.40; and

**WHEREAS**, the San Pedro Creek Restoration project revitalizes 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 allocated \$132.5 million for the project and is working with the San Antonio River Authority to complete the design and construction of the Project; and

**WHEREAS**, Phase 1 of the project was completed in October 2022. Phases 2, 4.1, and 4.2 are anticipated to be completed in September 2023, and Phase 3 is anticipated for completion in March 2024; and

**WHEREAS**, an Interlocal Agreement (ILA) between the City, SARA, and Bexar County was approved by the City Council on April 12, 2018, through Ordinance 2018-04-12-0272 to establish and identify responsibilities relative to the operations and maintenance of the San Pedro Creek Cultural Park upon completion and acceptance of the project through the next 30 years. This ILA was limited to Phases 1 and 2 of the San Pedro Creek Restoration Project; and

**WHEREAS**, the Operations and Maintenance Agreement has an automatic renewal term for two additional 20-year periods unless a party objects to the renewal

**WHEREAS**, this ordinance authorizes the execution of an amendment to the Operations and Maintenance Agreement with San Antonio River Authority (SARA) and Bexar County for the San Pedro Creek Cultural Park located in District 1 to include the operation and maintenance of Phases 3 and 4 of the San Pedro Creek Restoration project including the added responsibilities related to the St. James A.M.E. church site within the footprint of the project and granting SARA the authority to operate and manage the public spaces of the project during special events; and

**WHEREAS**, the Operations and Maintenance Agreement outlines the roles and responsibilities related to the San Pedro Creek Cultural Park operations. As part of this agreement, SARA will perform the operations and maintenance of the Arsenal Pump Station, public restrooms and provide for the costs of utilities, reuse irrigation water, crest gates, public art, and contractual services for the project. The agreement also states that SARA is responsible for venues and special events that occur on San Pedro Creek; and

**WHEREAS**, SARA will also perform customary maintenance of the historic St. James A.M.E. Church site and surrounding area by the Historic Properties Management Plan developed for the Klemcke-Menger/A.M.E. Church site (Site 41BX2359). The City will be responsible for conducting and covering the full cost of an in-depth annual inspection of the Klemcke-Menger/A.M.E. Church site by City staff or a contractor experienced in historic feature preservation and conservation. If the site's historic wall or stones of the St. James A.M.E. Church are damaged or deemed to need repair or restoration following an inspection, the City will fund, assess, and write a plan to repair and restore in accordance with the Historic Properties Management Plan for the Klemcke-Menger/A.M.E. Church site. Any capital improvements required for historic preservation and conservation purposes or identified repairs resulting from inspection would be split equally between the City, SARA, and Bexar County; **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 to the Interlocal Agreement with Bexar County and the San Antonio River Authority (SARA) for the San Pedro Creek Cultural Park and associated projects completed within the park, to include the operation and maintenance of Phases 3 and 4 of the San Pedro Creek Restoration Project, including the added responsibilities related to the St. James A.M.E. church site within the footprint of the project and granting SARA the authority to operate and manage the public spaces of the project during special events. A draft of the agreement is attached as **Exhibit 1**.

**SECTION 2.** This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED this \_\_\_\_ day of November 2023.**

TG  
11/09/23  
Item No.

M A Y O R  
Ron Nirenberg

**ATTEST: APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney