

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

ORDINANCE

**AUTHORIZING THE EXECUTION OF FOUR (4) SEPARATE
ADVANCED FUNDING AGREEMENTS BETWEEN THE CITY OF
SAN ANTONIO AND THE TEXAS DEPARTMENT OF
TRANSPORTATION (TXDOT), WHERE THE CITY'S LOCAL
GOVERNMENT MATCH CONTRIBUTION IS WAIVED FOR THE
FOLLOWING BRIDGE REPLACEMENT OR REHABILITATION
PROJECTS PERFORMED BY TXDOT AND ACCEPTED BY THE
CITY UPON CONSTRUCTION COMPLETION: EVANS ROAD
BRIDGE AT DRAIN; AUGUSTA STREET BRIDGE AT SAN
ANTONIO RIVER; CROCKETT STREET BRIDGE AT SAN
ANTONIO RIVER; AND SOUTH PRESA STREET BRIDGE AT SAN
ANTONIO RIVER.**

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WHEREAS, the Evans Road Bridge at Drain; Augusta Street Bridge at San Antonio River; Crockett Street Bridge at San Antonio River; and South Presa Street Bridge at San Antonio River are “off-system” bridges maintained by the City and located off the state highway system. These “off-system” bridges are included within TxDOT’s inventory. TxDOT inspects the condition of each “off-system” bridge every two years and provides condition reports to the City. Based on the condition reports, any required bridge maintenance is the local government’s responsibility.; and

WHEREAS, Title 23 of the United States Code, Section 144 authorizes federal funds to assist the states in replacing or rehabilitating deficient bridges located on public highways, roads, and streets, including those “off-system” bridges under the jurisdiction of local governments. Furthermore, the Texas Transportation Code Sections 201.103 and 222.052 establish that the State shall plan and make policies for constructing a comprehensive system of state highways and public roads in cooperation with local governments. Typically, projects receiving federal and state funds to replace or rehabilitate “off-system” bridges require local government participation up to ten percent (10%) of the total project cost or an equivalent match by the local government to replace or rehabilitate a different “off-system” bridge requiring maintenance; and

WHEREAS, under the Infrastructure Investment and Jobs Act (IIJA), as well as the Highway Bridge Replacement and Rehabilitation Program (HBRRP), authorized by Texas Transportation Commission Minute Order Number 116073 and dated August 31, 2021, federal and state funding is provided for selected “off-system” bridge projects and does not require local government participation for the design and construction of the selected bridge projects; and

WHEREAS, the Evans Road Bridge at Drain; Augusta Street Bridge at San Antonio River; Crockett Street Bridge at San Antonio River, and South Presa Street Bridge at San Antonio River have each been selected for replacement or rehabilitation under the HBRRP. Therefore, the full design and construction costs will be provided by federal and state funds with no contribution from the City. Upon project completion, the City would only be responsible for ROW acquisition, utility adjustments, and maintenance. The Advanced Funding Agreements waive the City's match contribution for each "off-system" bridge project; and

WHEREAS, this ordinance authorizes the execution of four (4) separate Advanced Funding Agreements between the City of San Antonio and the Texas Department of Transportation (TxDOT), where the City's local government match contribution is waived for the following bridge replacement or rehabilitation projects performed by TxDOT and accepted by the City upon construction completion: Evans Road Bridge at Drain; Augusta Street Bridge at San Antonio River; Crockett Street Bridge at San Antonio River; and South Presa Street Bridge at San Antonio River; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute four (4) separate Advance Funding Agreement between the City of San Antonio and Texas Department of Transportation (TxDOT) performed by TxDOT, where the City's local match contribution is waived for the following bridge replacement or rehabilitation projects: Evans Road Bridge at Drain,; Augusta Street Bridge at San Antonio River; Crockett Street Bridge at San Antonio River; and South Presa Street Bridge at San Antonio River. A copy of the agreements are substantially final form is attached hereto and incorporated herein for all purposes as Attachments IV - VII.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is further authorized to execute any and all necessary documents to effectuate said agreement and acceptance.

SECTION 3. Upon acceptance of this award, new funds and internal order numbers will be created, upon which the in-kind contribution of approximately \$4,447,000.00 in anticipated replacement or rehabilitation of bridge improvements to these bridges by TxDOT will be recorded.

SECTION 4. Upon acceptance the in-kind contributions shall be appropriated and transferred to Fund 4509900 GO Capital Projects.

SECTION 5. In Fund 4509900, Project 23-03870 Citywide Bridge Improvements LF shall be revised by increasing WBS 23-03870-90-06-01 with GL 6500000 and WBS 23-03870-05-05-09-01 with GL 6901050 each by \$742,762.00; by increasing WBS 23-03870-90-06-02 with GL 6500000 and WBS 23-03870-05-05-09-02 with GL 6901050 each by \$1,565,105.00; by increasing WBS 23-03870-90-06-03 with GL 6500000 and WBS 23-03870-05-05-09-03 with GL 6901050 each by \$1,235,725.00; and by increasing WBS 23-03870-90-06-04 with GL 6500000 and WBS 23-03870-05-05-09-04 with GL 6901050 each by \$1,371,677.00

SECTION 6. 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 SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. 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 December, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney