



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 19

**Agenda Date:** October 31, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 5

**SUBJECT:**

Interlocal Agreement with San Antonio River Authority Task Order 9 Amendment No. 1: Apache Creek Remediation

**SUMMARY:**

An ordinance authorizing the execution of Amendment No. 1 to Task Order 9 under the existing Interlocal Agreement (ILA) between the City of San Antonio (City) and the San Antonio River Authority (SARA) in an amount not to exceed \$3,760,000.00 reimbursable to SARA for the Apache Creek Remediation Project located in Council District 5. Funds are available from Unissued Certificates of Obligation included in the FY 2025 – FY 2030 Capital Improvement Program.

**BACKGROUND INFORMATION:**

In 2015, a Phase I Environmental Site Assessment was conducted on behalf of the San Antonio Housing Authority (SAHA) at the Brazos Street Warehouse near Apache Creek. Soil sampling of the SAHA property indicated lead contamination along the north central property line exceeding the Texas Commission on Environmental Quality (TCEQ) Tier 1 protective concentration levels. The source of the contamination was presumed to be the historical City Incinerator No. 5, which

was believed to have a footprint encompassing the northern property line of the SAHA site and the Apache Creek bank to the north. The SAHA site entered into the TCEQ's Voluntary Cleanup Program in 2018 and was issued a Conditional Certificate of Completion in 2020. The adjacent northern area of land on the Apache Creek bank owned by the City also contains lead-impacted soils. This property, the subject of this Task Order, has an open case with TCEQ to further delineate the extent of contamination (Texas Risk Reduction Program, TRRP, case #T3421).

The City conducted extensive subsurface investigation, including soil delineation and groundwater sampling along the southern bank of Apache Creek. Based on the sampling results, soil remediation estimates were developed. To minimize costs and assist with the regulatory process, the San Antonio River Authority (SARA) will utilize this information to prepare regulatory documents for assessment and remediation activities by TCEQ's regulations.

### ***Previous Council Actions***

An ILA between the City, SARA, and Bexar County was approved by the City Council on February 10, 2022, through Ordinance 2022-02-10-0094, which allows for SARA to serve as the administrator and project manager for the County's Rivers, Creeks, Trails, and Parks Capital Improvement Program. The Tri-Party Cooperative Agreement also allows the City to assign SARA to manage 2022 City bond-funded linear trail connection projects under the Howard W. Peak Greenway Trails System. To date, eight (8) task orders have been authorized in accordance with this ILA. Task Order 9 was approved by the City Council on June 22, 2023, through Ordinance 2023-06-22-0466, for the plan design for remediation of the contamination along the southern bank of Apache Creek.

### **ISSUE:**

This ordinance authorizes the execution of Amendment No. 1 to Task Order 9 under the existing Interlocal Agreement (ILA) between the City of San Antonio (City) and the San Antonio River Authority (SARA) in an amount not to exceed \$3,760,000.00 reimbursable to SARA for the Apache Creek Remediation project located in Council District 5.

SARA will provide real estate services and fees for leasing property for the project's staffing area(s). The remediation plan and restoration of the Project site will be implemented and completed, including, but not limited to, air monitoring, lodging, transporting, and disposing of the impacted soil, embankment backfill, seeding, and watering. Project completion is anticipated in Fall 2024.

This amendment will reimburse SARA for costs associated with rendered services and oversight of remediation activities associated with perceived soil issues adjacent to Apache Creek.

### **ALTERNATIVES:**

Alternatively, the City Council could choose not to approve Amendment No. 1 to Task Order 9 under the current Interlocal Agreement with SARA. However, by approving this amendment, the City would gain the opportunity to leverage program funding, improve the management of public funding sources, and ensure coordination of governmental resources and functions to support

sustainable land use and stormwater programs and practices, bringing potential benefits to the community.

**FISCAL IMPACT:**

An ordinance authorizing the execution of Amendment No. 1 to Task Order 9 under the existing Interlocal Agreement (ILA) between the City of San Antonio (City) and the San Antonio River Authority (SARA) in an amount not to exceed \$3,760,000.00 reimbursable to SARA for the Apache Creek Remediation Project. Funds are available from Unissued Certificates of Obligation included in the FY 2025 – FY 2030 Capital Improvement Program.

**RECOMMENDATION:**

Staff recommends approval of this ordinance authorizing the execution of Task Order 9 under the existing ILA between the City and SARA for a total amount not to exceed \$3,760,000.00 for plan design for remediation of contamination along the southern bank of Apache Creek.