

**COOPERATIVE AGREEMENT BETWEEN
THE CITY OF SAN ANTONIO, TEXAS, THE
COUNTY OF BEXAR AND THE SAN
ANTONIO RIVER AUTHORITY TO
COMPLETE THE RIVERS, CREEKS, AND
PARKS CAPITAL IMPROVEMENT
PROGRAM**

**STATE OF TEXAS §
 §
COUNTY OF BEXAR §**

AMENDMENT NO. 1 TO TASK ORDER NO. 9

WHEREAS, the Parties entered into this Task Order No. 9 as an addendum to the Cooperative Agreement entered into by San Antonio River Authority (RIVER AUTHORITY), City of San Antonio (CITY), and Bexar County (COUNTY) effective February 21, 2022 to complete the Rivers, Creeks, and Parks Capital Improvement Program (Agreement); and

WHEREAS, under this Task Order, Parties have been engaged in completing the remediation plan for the contamination of the southern bank of Apache Creek (“PROJECT”); and

WHEREAS, CITY is providing an additional \$3,286,877 in funding for the PROJECT to implement and complete the remediation plan that was developed as part of the Project pursuant to Ordinance No. _____ approved by City Council on October __, 2024; and

NOW THEREFORE, the Parties agree to amend Task Order No. 9 as follows:

1. Section II. Scope of Work is amended to include the following:
 - 7) Real estate service and fees for leasing property to provide for staging area(s) for the PROJECT.
 - 8) Implementation and completion of the remediation plan and restoration of the PROJECT site to include but not limited to air monitoring, loading, transporting, and disposing of impacted soil, embankment backfill, and seeding and watering.

2. Section III. Party Roles and Responsibilities paragraph A(5) is amended and replaced with the following:
 - (5) Shall reimburse the RIVER AUTHORITY for the actual costs of the Project anticipated not to exceed \$4,186,877 (FOUR MILLION ONE HUNDRED EIGHTY SIX THOUSAND EIGHT HUNDRED SEVENTY SEVEN DOLLARS AND 00/100), including reasonable interest costs.

3. Section V. Compensation paragraph A is amended and replaced with the following:

A. The CITY hereby agrees to budget and commit a not to exceed amount of \$4,186,877 (FOUR MILLION ONE HUNDRED EIGHTY SIX THOUSAND EIGHT HUNDRED SEVENTY SEVEN DOLLARS AND 00/100) for the PROJECT. Allowable expenses from CITY funding are: a) consultant fees, b) testing, c) utility location services, d) site remediation, e) creek bank reconstruction, f) waste hauling and disposal, g) air monitoring, h) environmental report preparation and TCEQ coordination, i) permit fees, j) real estate and k) other expenditures which may be approved by the CITY for this PROJECT.

4. Section V. Compensation paragraph B is amended to increase the administrative and PROJECT management costs (Administrative Fee) and the SWMBE administrative fees (SWMBE Fee) to RIVER AUTHORITY, who will now receive six percent (6%) up to and not to exceed \$190,000 (ONE-HUNDRED NINETY THOUSAND DOLLARS AND 00/100) of the approved total PROJECT funding. All other language in paragraph B will remain unchanged.

5. All other definitions, terms, and conditions of Task Order No. 9 shall remain the same and the Parties reaffirm their agreement to such.

EXECUTED as of the date of the last authorized signature below.

CITY: City of San Antonio,
a Texas Municipal Corporation

RIVER AUTHORITY: San Antonio River
Authority, a conservation and reclamation
district of the State of Texas

Razi Hosseini, P.F., R.P.L.S.
Director/City Engineer
City of San Antonio

DocuSigned by:
Derek E. Boese, JD, PMP

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Derek E. Boese, JD, PMP
General Manager
San Antonio River Authority

Date: _____

Date: 09/24/2024

Approved as to Form:

Approved as to Form:

Andrew Segovia
City Attorney

DocuSigned by:
Xochil Peña Rodriguez

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Luis A. Garcia
General Counsel