

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

**AN ORDINANCE**

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.

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**WHEREAS,** 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); and

**WHEREAS,** 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; and

**WHEREAS,** 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; and

**WHEREAS,** 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.; and

**WHEREAS**, 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. Funds are available from unissued certificates of obligation included in the FY 2025 – FY 2030 capital improvement program; **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 Public Works or designee, is authorized to execute 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.

**SECTION 2.** Payment in the form as a reimbursement not to exceed \$3,760,000.00 is authorized to be encumbered with a purchase order and made payable to San Antonio River Authority (SARA). Payment is in support of the Apache Creek Remediation Project. Funding is provided by unissued Certificates of Obligation funds and is included in the FY 2025 - FY 2030 CIP Budget

**SECTION 3.** Funds for this ordinance in the amount of \$3,760,000.00 is available in Fund 40099000, Project 23-04130, WBS Element 23-04130-05-02-01 and GL Account 5201140.

**SECTION 4.** 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 Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 5. Effective Date.** This ordinance is effective immediately after passage upon the receipt of eight affirmative votes, or, in the absence of eight affirmative votes, ten days after passage.

**PASSED and APPROVED** this 31<sup>st</sup> day of October 2024.

**M A Y O R**  
**RON NIRENBERG**

**ATTEST:**

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Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**

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Andrew Segovia, City Attorney

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