



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 25

**Agenda Date:** June 22, 2023

**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: Apache Creek Remediation

**SUMMARY:**

An ordinance authorizing the execution of 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 \$900,000.00 reimbursable to SARA for the Apache Creek Remediation Project located in Council District 5. This ordinance also authorizes the reallocation of funding in the amount of \$900,000.00 from Storm Water Operating funds and amends the FY 2023 – FY 2028 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 location of 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 that encompassed 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, which is 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. Soil remediation estimates were developed based on the sampling results. To minimize costs and assist with the regulatory process, the San Antonio River Authority (SARA) will utilize this information with preparation of regulatory documents for assessment and remediation activities in accordance with TCEQ's regulations.

#### Previous Council Action

An ILA between the City, SARA, and Bexar County was approved by 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. Additionally, the Tri-Party Cooperative Agreement allows for 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.

#### **ISSUE:**

This ordinance authorizes the execution of 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 \$900,000.00 reimbursable to SARA for the Apache Creek Remediation project located in Council District 5.

The City is requesting SARA assist in remediation activities to address the contamination adjacent to Apache Creek. In advance of the Westside Creeks Ecosystem Restoration Project, the United States Army Corps of Engineers is requesting that the site be remediated as to prevent future contamination from entering and having deleterious impacts to the restored Apache Creek Ecosystem. The intent is for the TCEQ to issue a No Further Action letter or equivalent at the completion of remediation activities.

SARA will provide site characterization, preparation of required TCEQ documentation, development of a remediation plan, inter-agency coordination, and project management to include procurement for remediation design services. Project completion is anticipated in Fiscal Year 2026.

#### **ALTERNATIVES:**

As an alternative, City Council could choose not to approve Task Order 9 under the current Interlocal Agreement with SARA. However, the City would lose 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 storm water programs and practices.

**FISCAL IMPACT:**

An ordinance authorizing the execution of 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 \$900,000.00 reimbursable to SARA for the Apache Creek Remediation Project located in Council District 5. This ordinance also authorizes the reallocation of funding in the amount of \$900,000.00 from Storm Water Operating funds and amends the FY 2023 – FY 2028 Capital Improvement Program.

**RECOMMENDATION:**

Staff recommends approval of this ordinance authorizing the execution of Task Order 9 under the existing ILA between City and SARA for a total amount not to exceed \$900,000.00 for plan design for remediation of contamination along the southern bank of Apache Creek located in Council District 5; and authorizing the reallocation of funds in the amount of \$900,000 from Storm Water Operating funds and amending the FY 2023 – FY 2028 Capital Improvements Program.