



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 24

**Agenda Date:** March 23, 2023

**In Control:** City Council A Session

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**DEPARTMENT:** Parks & Recreation Department

**DEPARTMENT HEAD:** Homer Garcia III

**COUNCIL DISTRICTS IMPACTED:** Citywide

**SUBJECT:**

Edwards Aquifer Protection Program Land Acquisition Services

**SUMMARY:**

This ordinance authorizes the negotiation and execution of Professional Services Agreements with Bexar Land Trust d/b/a Green Spaces Alliance of South Texas and The Nature Conservancy not to exceed an aggregate of \$1,750,000.00 for real estate services under the Edwards Aquifer Protection Program. Funding for these Professional Services Agreements in the aggregate amount of \$1,750,000.00 for the land acquisition services for an initial three-year term with two, one-year administrative renewals which will be supported through the San Antonio Municipal Facilities Corporation funding and is included in the FY 2023-2028 Capital Improvement Program

**BACKGROUND INFORMATION:**

The purpose of the Edwards Aquifer Protection Program (EAPP) is to protect the quality and quantity of water recharging into the aquifer. Since 2000, a 1/8-cent venue sales tax collection (Propositions 3 and 1) has generated \$325 million for protection of 172,688 acres to date. In September 2020, City Council authorized a 10-year, \$100 million program through the San Antonio Municipal Facilities Corporation for continued expansion of the EAPP. The City has previously issued Requests for Qualifications in 2011 and 2016 for land acquisition assistance for

the EAPP and has held Professional Services Agreements with The Nature Conservancy and Bexar Land Trust d/b/a Green Spaces Alliance of South Texas for over a decade. The current Professional Services Agreements will expire upon the EAPP's expenditure of the remaining balance of the 2015 Proposition 1 funding program which is projected to occur in Fiscal Year 2023. The City utilized a discretionary public process to procure land acquisition services to assist with identifying properties appropriate for acquisition and conservation over sensitive areas of the aquifer recharge zone and contributing zones.

The City issued a Request for Qualifications titled "Assistance with the Edwards Aquifer Protection Program" on January 21, 2022 with a submission deadline of March 7, 2022. Two proposal responses were received, which were scored on March 29, 2022. The evaluation team consisted of representatives from the Parks and Recreation Department, Conservation Advisory Board, Edwards Aquifer Authority, San Antonio River Authority and the Finance team who assisted with solicitation process guidelines. The proposals were evaluated based on the firm's experience, background, qualifications, proposed management plan, and experience with local real estate conditions including conservation and watershed strategies.

The evaluation of each proposal was based on a total of 100 points- 40 points allotted for experience, background, qualifications; 40 points for proposed management plan; and 20 points allotted for respondent's knowledge in local real estate market conditions and local aquifer conservation strategies. The Local Preference and Veteran-Owned Small Business Preference programs were not applicable. Additionally, the City's Small Business Economic Development Advocacy Program (SBEDA) does not apply and was not part of the scoring model.

A post-solicitation briefing was scheduled to be presented to the Audit and Accountability Committee on April 27, 2022. Due to lack of a quorum, a summary of the project was submitted to Council and Committee members by memo on May 3, 2022. The project was approved to move forward to the full City Council for consideration and since then the proposed awardees have been negotiating and finalizing terms under the new proposed agreements.

The Professional Services Agreements will have a term of three years to commence immediately upon the expenditure of the remaining balance of the 2015 Proposition 1 funding which is anticipated to occur in the current fiscal year. The agreements may be administratively extended for two additional one-year terms. Under each agreement the City will receive recommendations for acquisition through fee-simple purchase or conservation easement based on an established scientific ranking system including contract negotiation and property closing services.

## **ISSUE:**

San Antonio Municipal Facilities Corporation will generate \$100 million over a projected 10-year period beginning in Fiscal Year 2023 for continued land conservation and protection of the sensitive recharge and contributing zones over the Edwards Aquifer. This ordinance continues the existing policy to protect the aquifer through real estate services by authorizing the negotiation and execution of two contracts with Bexar Land Trust, Inc. d/b/a Green Spaces Alliance of South Texas and The Nature Conservancy not to exceed an aggregate of \$1,750,000.00 under the Edwards Aquifer Protection Program. The Conservation Advisory Board endorsed this approach

at its May 2022 meeting in support of each real estate team's expertise in negotiations and due diligence for efficient and timely acquisition of properties or conservation easements.

The Small Business Economic Development Advocacy (SBEDA) Ordinance requirements were waived due to the lack of small, minority, and/or women businesses available to provide these goods and services.

Discretionary Contracts Disclosure Forms, as required by the Ethics Ordinance, are included herein as attachments.

**ALTERNATIVES:**

In lieu of approving the land acquisition services agreements and foregoing industry expertise, City staff could perform the necessary due diligence to identify, negotiate, and secure properties over the Edwards Aquifer recharge and contributing zones. However, this would increase administrative program costs and the rate at which properties are protected over the recharge and contributing zones would decrease.

**FISCAL IMPACT:**

Funding for these Professional Services Agreements in the aggregate amount of \$1,750,000.00 for the land acquisition services will be supported through the San Antonio Municipal Facilities Corporation funding and is included in the FY 2023-2028 Capital Improvement Program for the Edwards Aquifer Protection Program.

**RECOMMENDATION:**

Staff recommends approval of Professional Services Agreements for land acquisition services with Bexar Land Trust, Inc. d/b/a Green Spaces Alliance of South Texas and The Nature Conservancy not to exceed an aggregate of \$1,750,000.00 under the Edwards Aquifer Protection Program.