

AN ORDINANCE 2014 - 05 - 15 - 0343

**AUTHORIZING AN AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, BEXAR COUNTY AND THE SAN ANTONIO RIVER AUTHORITY FOR THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT LOCATED IN COUNCIL DISTRICT 3 INCREASING THE PROJECT SCOPE AND COMMITTING AN ADDITIONAL \$350,000.00 FROM THE CITY'S PROPOSITION 2 (2010) SALES TAX INITIATIVE FUNDS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio entered into an agreement with Bexar County and the San Antonio River Authority (SARA) in May of 2010 to complete the San Antonio River Improvements Project; and

**WHEREAS**, this project includes the Museum Reach and the Mission Reach, extending along the San Antonio River from Lone Star Avenue to approximately 4,000 feet south of Loop 410 South; and

**WHEREAS**, under the terms of the agreement, the City of San Antonio provided \$76,759,438.00 for SARA to provide project management, design, permitting and construction; and

**WHEREAS**, the Parks Development and Expansion Venue Project Proposition 2, which was approved by voters on November 2, 2010, provides \$4,599,000.00 in the FY 2014-2019 Capital Improvements Project (CIP) Budget for the Espada Greenway Trail Connection to connect Medina River Greenway to the San Antonio River Mission Reach, at Mission Espada; and

**WHEREAS**, while the segment of trail on the west side of the San Antonio River was originally designed and permits were obtained from the United States Army Corps of Engineers, this section was not constructed; and

**WHEREAS**, the scope of the City's Espada Greenway Trail Connection is to build approximately 3.9 miles of trail to connect from Medina River Greenway at Mattox Park to the San Antonio River Mission Reach at Mission Espada; and

**WHEREAS**, because the Greenway project proposes to connect to Mission Espada from the south using the west side of the river, SARA's completion of the 2,550 linear feet of multi-use trail pursuant to this ordinance will reduce the City's project scope for the Espada Greenway Trail

Connection by 2,550 linear feet and create funding and time efficiencies by utilizing SARA's existing permits, design work and contractor pricing for the Mission Reach; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee, or the Director of the Parks and Recreation Department or his designee, is authorized to execute an amendment to the Cooperative Agreement between the City of San Antonio, Bexar County and the San Antonio River Authority for the San Antonio River Improvements Project located in Council District 3 increasing the project scope and committing an additional \$350,000.00 from the City's Proposition 2 (2010) Sales Tax Initiative Funds. A copy of the amendment to the Cooperative Agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** The amount of \$350,000.00 is appropriated in SAP Fund 29101001, Parks Acquisition and Development, SAP Internal Order # 390000001766, SAP General Ledger 6102100 - Interfund Transfer out entitled Transfer to 26-00614-90-14-01. The amount of \$350,000.00 is authorized to be transferred to SAP Fund 40005000.

**SECTION 3.** The amount of \$350,000.00 is appropriated in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00614, Espada Connection, and shall be revised by increasing SAP WBS Element 26-00614-90-14-01 entitled Trf Fr I/O 390000001766, SAP General Ledger 6101100 - Interfund Transfer In, by the amount of \$350,000.00.

**SECTION 4.** The amount up to \$350,000.00 is appropriated in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00614, Espada Connection, SAP WBS Element 26-00614-05-08, entitled Construction-Costs, SAP GL Account 5201140.

**SECTION 5.** Payment in the amount not to exceed \$350,000.00 in SAP Fund 40005000, Park Improvements, SAP Project Definition 26-00614, Espada Connection, is authorized to be encumbered and made payable to the San Antonio River Authority, for construction services.

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SW/vv  
05/15/14  
Item #23

**SECTION 7.** This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 15th day of May, 2014.

  
M A Y O R  
Julián Castro

ATTEST:

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
for Robert F. Greenblum, City Attorney

<b>Agenda Item:</b>	23 ( in consent vote: 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 28A, 28B, 29, 29A, 29B )
<b>Date:</b>	05/15/2014
<b>Time:</b>	09:40:29 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance authorizing an amendment to the Cooperative Agreement between the City of San Antonio, Bexar County and the San Antonio River Authority for the San Antonio River Improvements Project located in Council District 3 increasing the project scope and committing an additional \$350,000.00 from the City's Proposition 2 (2010) Sales Tax Initiative Funds.[Gloria Hurtado, Assistant City Manager; Xavier Urrutia, Director, Parks and Recreation]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

## Attachment I

### COOPERATIVE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, TEXAS, BEXAR COUNTY, TEXAS, AND THE SAN ANTONIO RIVER AUTHORITY TO COMPELTE THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT

#### AMENDMENT NO. 1

This Amendment No. 1 (“Amendment”) to the Cooperative Agreement is entered into by and between the City of San Antonio, a Texas municipal corporation (“City”), acting by and through its City Manager or her designee, pursuant to Ordinance No. \_\_\_\_\_ passed and approved on \_\_\_\_\_, 2014, and the San Antonio River Authority, (“River Authority”).

WHEREAS, CITY, BEXAR COUNTY (“COUNTY”) and RIVER AUTHORITY entered into the Cooperative Agreement pursuant to Ordinance No. 2010-05-13-0428 for the performance of the San Antonio River Improvements Project (the “PROJECT”) and the consolidation of the terms and conditions of all earlier agreements regarding the PROJECT; and

WHEREAS, the scope of that Cooperative Agreement authorized RIVER AUTHORITY to complete the San Antonio River Improvements along the Museum Reach and the Mission Reach, extending along the San Antonio River from Lone Star Avenue to approximately 4,000 feet south of Loop 410 South;

WHEREAS, in furtherance of that Agreement, CITY agreed to provide funding for project management, design, permitting and construction of such improvements in the amount of \$76,759,438.00;

WHEREAS, RIVER AUTHORITY has since completed contracted improvements along the Mission Reach and fulfilled its associated contractual obligations for that section;

WHEREAS, over and above the planned PROJECT, voters approved a Parks & Recreation Department Expansion Venue Project in 2010, which provided sales tax funding for creekway trail projects including \$4,599,000.00 to connect the existing Medina River Greenway trail to the Mission Reach of the PROJECT at Mission Espada; and

WHEREAS, RIVER AUTHORITY regulatory permits under the PROJECT remain active and the parties agree it is most efficient for RIVER AUTHORITY to design and construct approximately 2,550 linear feet of this trail connection in conjunction with the Mission Reach; and

WHEREAS, to authorize such action RIVER AUTHORITY and CITY seek to amend the existing Cooperative Agreement for the purpose of adding \$350,000.00 to the CITY’s funding commitment and to expand RIVER AUTHORITY’s contractual obligations under the agreement to include the building of such trail; and

WHEREAS, COUNTY’S rights and obligations under the Cooperative Agreement will not be impacted by this Amendment No. 1 in any manner; and

In consideration of the mutual covenants and agreements set forth above, City and River Authority agree to amend the Cooperative Agreement as follows:

1. Exhibit B, referenced in Article III SCOPE OF THE PROJECT is MODIFIED BY ADDING THE FOLLOWING:

RIVER AUTHORITY will construct a 10 foot-wide, concrete multi-use trail along the San Antonio River from Mission Espada southward for approximately 2,550 feet according to the plans on file with the RIVER AUTHORITY.

2. ARTICLE V, Section A, 3. FUNDING IS MODIFIED AS FOLLOWS:

3) The amended total CITY funding commitment is \$77,109,438.00, as shown in Exhibit "E", "San Antonio River Improvements Project Cost Estimate and Funds Committed by Funding Entity" and Exhibit "F", "San Antonio River Improvements Project Cost Estimate and Funds Committed by Reach".

Except as modified herein, all terms and conditions contained in the Cooperative Agreement, as amended, shall remain in full force and effect.

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2014

CITY:  
City of San Antonio, a Texas  
Municipal Corporation

San Antonio River Authority

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

Approved as to Form: \_\_\_\_\_