

AN ORDINANCE 2007-04-12-0393

**AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO , BEXAR COUNTY , AND THE SAN ANTONIO RIVER AUTHORITY FOR THE OPERATION AND MANAGEMENT OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT.**

\* \* \* \* \*

**WHEREAS**, an Interlocal Agreement was entered into by the City, Bexar County, and San Antonio River Authority (SARA) by Ordinance Number 2006-10-12-1177 passed on October 12, 2006, terminating the September 30, 2004 Memorandum of Understanding with San Antonio River Authority, and increasing the City's monetary commitment to \$56,788,781, all in connection with the San Antonio River Improvement Project; and

**WHEREAS**, this Ordinance will authorize the execution of a Memorandum of Understanding between the City of San Antonio, Bexar County and San Antonio River Authority to clarify and updating each party's responsibilities to the San Antonio River Improvement Project and will assist in the construction and operation of the Museum Reach Urban segment of the Project; **NOW THEREFORE**,

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

**SECTION 1.** The City Manager or her designee is hereby authorized to execute a Memorandum of Understanding between the City of San Antonio, Bexar County and San Antonio River Authority in connection with the San Antonio River Improvement Project substantially in the form affixed hereto as Attachment I, which is incorporated herein verbatim for all purposes. The city manager and her designee should take all other actions necessary or convenient to effectuate the transaction, including agreeing to non-material changes to the approved form and executing all necessary or convenient ancillary instruments and agreements.

**SECTION 2 .** This Ordinance shall be effective on April 22 , 2007.

**PASSED AND APPROVED** this the 12<sup>th</sup> day of April, 2007.

ATTEST:

*Lucia Y. Viced*  
CITY CLERK

*Phil Hardberger*  
MAYOR

PHIL HARDBERGER

APPROVED AS TO FORM:

*[Signature]*  
City Attorney 413

# Agenda Voting Results

**Name:** 4. A, B & C

**Date:** 04/12/07

**Time:** 10:53:36 AM

**Vote Type:** Multiple selection

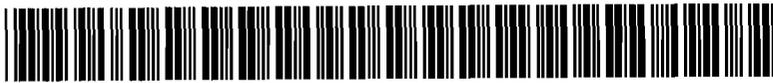
**Description:** 4. Consideration of the following items related to the San Antonio River Improvements Project: [Presented by Jelynne LeBlanc Burley, Deputy City Manager]

A. An Ordinance authorizing the execution of a Memorandum of Understanding between the City of San Antonio, Bexar County, and the San Antonio River Authority in connection with the management and maintenance for the San Antonio River Improvements Project.

B. An Ordinance increasing the City's monetary commitment to the San Antonio River Improvements Project from \$56,788,781 to \$74,788,781.

C. An Ordinance authorizing payment in an amount not to exceed \$48,464,973 to the San Antonio River Authority for construction of the Museum Reach Urban Segment of the San Antonio River Improvements Project.

| Voter                    | Group       | Status      | Yes | No | Abstain |
|--------------------------|-------------|-------------|-----|----|---------|
| ROGER O. FLORES          | DISTRICT 1  |             | x   |    |         |
| SHEILA D. MCNEIL         | DISTRICT 2  |             | x   |    |         |
| ROLAND GUTIERREZ         | DISTRICT 3  |             | x   |    |         |
| RICHARD PEREZ            | DISTRICT 4  | Not present |     |    |         |
| PATTI RADLE              | DISTRICT 5  |             | x   |    |         |
| DELICIA HERRERA          | DISTRICT 6  |             | x   |    |         |
| ELENA K. GUAJARDO        | DISTRICT 7  |             | x   |    |         |
| ART A. HALL              | DISTRICT 8  |             | x   |    |         |
| KEVIN A. WOLFF           | DISTRICT 9  |             | x   |    |         |
| CHIP HAASS               | DISTRICT_10 |             | x   |    |         |
| MAYOR PHIL<br>HARDBERGER | MAYOR       |             | x   |    |         |



CMS or Ordinance Number: OR00000200704120393

TSLGRS File Code: 1000-05

Document Title:

ORD - Management, Funding & Construction of the San Antonio River Improvement Project which encompasses the restoration, improvement & enhancement of

**Ordinance Date:**

**4/12/2007**



CMS or Ordinance Number: OR00000200704120394

TSLGRS File Code: 1000-05

Document Title:

ORD - Management, Funding & Construction of the San Antonio River Improvement Project which encompasses the restoration, improvement & enhancement of

**Ordinance Date:**

**4/12/2007**



CMS or Ordinance Number: OR00000200704120395

TSLGRS File Code: 1000-05

Document Title:

ORD - Management, Funding & Construction of the San Antonio River Improvement  
Project which encompasses the restoration, improvement & enhancement of

**Ordinance Date:**

**4/12/2007**



CMS or Ordinance Number: CN4600003109

TSLGRS File Code:1075-16

Document Title:

CONT - Management, Funding & Construction of the San Antonio River Improvement Project which encompasses the restoration, improvement & enhancement of

**Commencement Date:**

**7/25/2005**

**Expiration Date:**

**7/25/2012**

**ORIGINAL**

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE SAN ANTONIO RIVER AUTHORITY  
BEXAR COUNTY, TEXAS AND THE CITY OF SAN ANTONIO

PURPOSE AND OBJECTIVES. The purpose of this Memorandum of Understanding (“MOU”) is to express agreement between the San Antonio River Authority (“SARA”), Bexar County, Texas (“COUNTY”) and the City of San Antonio (“CITY”) on the general terms of a subsequent Interlocal Agreement concerning increased funding capacity for capital investment, operations and maintenance associated with the San Antonio River Improvements Project (SARIP). This MOU is intended to complement the terms and conditions of the previously executed Interlocal Agreement between the City, County and SARA to complete the SARIP and mutually advances the service and governmental mission of each entity through a fair and appropriate sharing of the responsibilities and costs. SARA and CITY will enter into an Interlocal Agreement further detailing the terms and conditions of their agreement concerning the operation and maintenance of the SARIP. The MOU will require approval of all three parties and the Interlocal Agreement will require approval by the San Antonio City Council and SARA Board of Directors.

OPERATIONS AND MAINTENANCE.

SARA and City have expressed interest in SARA performing operations and maintenance responsibilities of the SARIP. SARA staff will perform the operations and maintenance activity to be funded by SARA in adherence to a schedule, operations and maintenance standards, budget and procedures mutually agreed to each year by the City and SARA. The river segments and the timing of the transition of the operations and maintenance activity to SARA will be mutually agreed upon by the City and SARA. The scope of the operations and maintenance activity to be performed by SARA will be further detailed in the Interlocal Agreement.

FUNDING. Funding by SARA will commence in 2009 at an initial funding capability of approximately \$1.5 million. SARA’s commitment to fund the operations and maintenance activities on the agreed upon segment(s) of the San Antonio River coincides with CITY’s commitment to finance the Museum Reach of the SARIP with performance of the operations and maintenance activity by SARA commencing upon completion of the construction of the Museum Reach. CITY and COUNTY recognize SARA as a funding entity on the San Antonio River. Current statutory limits on SARA’s taxing authority and existing commitments of resources to other mission specific roles and responsibilities limit the resources available to fully support a total assumption of the operations and maintenance of the San Antonio River within the CITY’s limits at this time. CITY, COUNTY and SARA agree to continue to explore opportunity to reassign funding and address operational and capital improvement responsibilities on the San Antonio River and its tributaries.

EXECUTIVE COMMITTEE. An Executive Committee comprised of the City of San Antonio City Manager, San Antonio River Authority General Manager, and the Bexar County Director of Infrastructure Services will provide executive management oversight of the SARIP. The Executive Committee will review and make recommendations

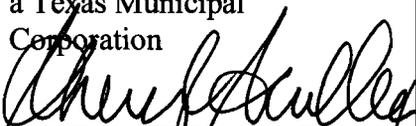
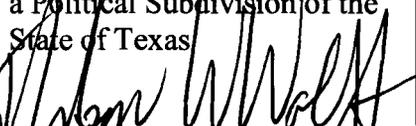
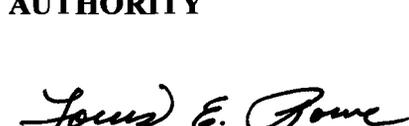
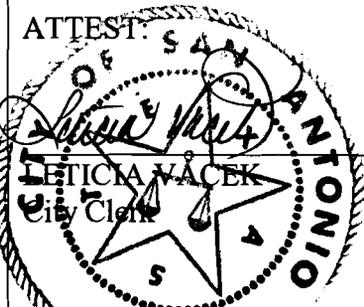
April 11, 2007

regarding SARA's project management staff for the SARIP. The Executive Committee will meet approximately monthly. SARA will schedule, coordinate, draft and distribute the agenda and conduct the Executive Committee meetings. The monthly Executive Committee meetings will include a project update by the SARA General Manager and policy items for discussion and direction.

SARIP. CITY has engaged PBS&J for project management services to support the City's role in the Museum Reach- Urban Segment of the SARIP. A PBS&J representative will attend the meetings of the Executive Committee. Additionally, the SARA General Manager will provide CITY monthly updates, including presentations to CITY council meetings, on the SARIP budget, schedule and progress. PBS&J will continue to report to CITY. Ford Powell & Carson, Inc., HDR Engineering, Zachry Construction, and any other services contracted by SARA will report to and take direction from SARA.

WATER QUANTITY AND QUALITY. CITY supports the need to establish a management plan to determine the quantity and quality of water from all sources within the CITY's purview within Bexar County to be allocated to the San Antonio River and its tributaries for the SARIP and to flow downstream to support environmental flow needs of the San Antonio River and its ecosystem. CITY will work with SARA to develop the management plan including facilitating discussions between San Antonio Water System and CPS Energy to create the management plan. CITY will continue to coordinate and consult with SARA on programs and activities affecting water quality in the San Antonio River and its tributaries and recognize SARA's role and capabilities in water quality sampling, testing, monitoring, analysis and reporting on the San Antonio River and its tributaries.

EXECUTED IN TRIPLICATE ORIGINALS THIS 10 DAY OF APRIL, 2007.

| CITY                                                                                                                                               | COUNTY                                                                                                                                                          | SARA                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>CITY OF SAN ANTONIO</b><br>a Texas Municipal Corporation<br> | <b>COUNTY OF BEXAR</b><br>a Political Subdivision of the State of Texas<br> | <b>SAN ANTONIO RIVER AUTHORITY</b><br>      |
| SHERYL L. SCULLEY<br>City Manager                                                                                                                  | NELSON W. WOLFF<br>County Judge                                                                                                                                 | LOUIS E. ROWE<br>Chairman                                                                                                        |
| ATTEST:<br><br>LETICIA VACEK<br>City Clerk                      | ATTEST:<br><br>GERARD RICKHOFF<br>County Clerk                              | ATTEST:<br><br>JIM JOHNSON<br>Secretary<br> |

April 11, 2007

APPROVED AS TO LEGAL  
FORM:



**MICHAEL BERNARD**  
City Attorney

APPROVED AS TO LEGAL  
FORM:

**SUSAN D. REED**  
Criminal District Attorney  
Bexar County, Texas



**KELSEY MENZEL**  
Assistant District Attorney  
Civil Section

APPROVED AS TO LEGAL  
FORM:



**DAVID W. ROSS**  
General Counsel

APPROVED AS TO  
FINANCIAL CONTENT:



**TOMMY J. TOMPKINS**  
County Auditor



**DAVID SMITH**  
Executive Director/Budget  
Officer Planning & Resource  
Management Department

Item 4

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
CITY MANAGER'S OFFICE**

**TO:** Mayor and City Council  
**FROM:** Sheryl Sculley, City Manager  
**COPIES:** Pat DiGiovanni, Deputy City Manager  
**SUBJECT:** SARA O&M Tax Summary  
**DATE:** April 11, 2007



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In response to questions received by Council Members, provided for your review is a synopsis of the San Antonio River Authority's (SARA) main source of funding and use of the Operations and Maintenance Tax.

Should you need additional information, please contact Mr. DiGiovanni at 207-6912.

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
CITY MANAGER'S OFFICE**

**TO:** Sheryl Sculley, City Manager  
**FROM:** Pat DiGiovanni, Deputy City Manager   
**SUBJECT:** SARA O&M Tax Summary  
**DATE:** April 11, 2007

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Provided for your review is a synopsis of the San Antonio River Authority's (SARA) main funding source and use of the Operations and Maintenance Tax.

**SARA O&M Tax Summary**

The O & M Tax is an ad valorem tax assessed on all property in Bexar, Wilson, Karnes and Goliad counties. Current tax rate is \$0.016425 per \$100 in property valuation.

The SARA Board of Directors is authorized by SARA's enabling statute to set the rate to meet the requirements of the district—the tax rate is capped by statute at \$0.02 per \$100 in property valuation.

In accordance with SARA's enabling statute, the O & M Tax can be used by SARA to fund general administration and other planning, services with respect to any of the purposes, rights, privileges and functions of SARA including the operation, repair and maintenance of any flood control, soil conservation, watershed protection and/or erosion structures.

The statute prohibits the tax revenue for being used to fund or finance the construction of any dams, levees, channels, pipelines or other similar projects.

In 1981, the tax was set at a rate of \$0.0 and remained at that rate until 2002 when the SARA Board set the rate at the current level of \$0.016425 per \$100 in property valuation. The tax is in effect indefinitely or until the SARA board would take an action to rescind the imposition of the tax.

**The total collections from the O & M tax for the FY 2006 are approximately \$11 million. O&M tax revenue supports the following:**

- SARA's participation in the planning and technical support for the Bexar Regional Watershed Management Partnership with the City of San Antonio, Bexar County and 19 suburban cities.
- SARA is funding the development of new hydraulic and hydrologic models for all five watersheds in Bexar County, the production of digital Flood Insurance Rate Maps and the analysis of Capital Improvement Projects to mitigate flooding.
- The tax also provides the local match for several watershed studies with the U.S. Army Corps of Engineers.
- SARA also provides operations and maintenance of 27 flood control dams in Bexar County, flood debris removal programs as well as maintenance on a section of the improved San Antonio River in southern Bexar County.
- The tax supports similar flood-related activities, to a lesser extent, in Wilson, Karnes and Goliad counties.
- The tax also supports a variety of water quality programs and studies as well as funds SARA's general administration.

**Attached is a listing of the Projects/Programs Funded with the Operations & Maintenance Tax (2006)**

San Antonio River Authority

Projects/Programs Funded with the Maintenance Operations Tax - 2006

|                                                   | <u>Project<br/>2006/07</u> | <u>Total by<br/>Service Area</u> |
|---------------------------------------------------|----------------------------|----------------------------------|
| Flood Control                                     |                            |                                  |
| Salado Creek Dam Monumentation & Signage          | \$ 77,350                  |                                  |
| Debris Cleanup 2006                               | 29,570                     |                                  |
| Debris Cleanup 2007                               | 200,000                    |                                  |
| San Juan Outfall Structure                        | 15,765                     |                                  |
| Westside Creek Restoration                        | 252,000                    |                                  |
| SARIP O & M Program Analysis                      | 60,000                     |                                  |
| Regional Watershed Modeling System (Bexar County) | 281,691                    | *                                |
| Regional GIS Database                             | 330,795                    |                                  |
| Flood Alert/Flood Forecasting                     | 76,187                     |                                  |
| RWMS-Development & Operations                     | 288,677                    |                                  |
| Wilson, Karnes & Goliad dFIRM                     | 469,942                    |                                  |
| Leon Creek Study-COE                              | 412,856                    |                                  |
| Woodlawn Lake Study-COE                           | 212,711                    |                                  |
| Cibolo Creek Feasibility Study-COE                | 106,245                    |                                  |
| Salado Creek Study-COE                            | 62,711                     |                                  |
| Alamo Heights Study-COE                           | 112,711                    |                                  |
| Karnes Co. Maintenance                            | 119,594                    |                                  |
| BRWM Communications                               | 37,000                     |                                  |
| USGS Stream Gauges                                | 85,000                     |                                  |
| SACIP Operations & Maintenance ( SA River)        | 700,606                    |                                  |
| Dam Operations & Maintenance (Bexar County)       | <u>2,802,425</u>           |                                  |
|                                                   |                            | \$ 6,733,836                     |

|                                                         |                |              |
|---------------------------------------------------------|----------------|--------------|
| Water Quality                                           |                |              |
| Watershed Protection Plan                               | \$ 67,580      |              |
| National Environmental Laboratory Accreditation Program | 286,033        |              |
| Lab Instrumentation for Heavy Metals                    | 151,014        |              |
| Instream Flows Planning                                 | 60,300         |              |
| Stream Monitoring                                       | 91,100         |              |
| Green Initiative Project                                | 24,587         |              |
| Herbarium Project                                       | 5,000          |              |
| TCEQ Clean Rivers                                       | 340,753        |              |
| TWDB Biological Collections                             | 3,085          |              |
| TxDOT - TPDES                                           | 10,000         |              |
| Environmental Services Planning & Assessments           | 316,627        |              |
| Laboratory Operations                                   | <u>173,089</u> |              |
|                                                         |                | \$ 1,529,168 |

**San Antonio River Authority**

**Projects/Programs Funded with the Maintenance Operations Tax - 2006**

|                                                    | <u>Project<br/>2006/07</u> | <u>Total by<br/>Service Area</u> |
|----------------------------------------------------|----------------------------|----------------------------------|
| <b>Water Resources</b>                             |                            |                                  |
| Kenedy Desalination Study                          | \$ 5,000                   |                                  |
| Brackish Groundwater/Desalination Study            | 87,837                     |                                  |
| Canyon Regional Water Authority Water Supply Study | 19,000                     |                                  |
| Goliad County Water Supply Corporation             | 30,550                     |                                  |
| Alamo Turf Farm Reuse                              | 32,000                     |                                  |
| Ground Water / Surface Water Interaction           | 145,000                    |                                  |
| Edwards Nueces Feasibility Study-COE               | 37,000                     |                                  |
| Surface Water Rights Acquisition Administration    | 121,000                    |                                  |
| Blucher Institute Monitoring                       | 8,983                      |                                  |
| Whopping Crane Study                               | 95,385                     |                                  |
| SA Bay Study                                       | 29,000                     |                                  |
| Western Canyon Project                             | 39,100                     |                                  |
| Water Resource Planning Support                    | 131,277                    |                                  |
| So. Central TX Regional Planning Group Support     | 51,150                     |                                  |
| Regional Water Resource Development Group          | <u>21,000</u>              |                                  |
|                                                    |                            | \$ 853,282                       |

|                              |                |            |
|------------------------------|----------------|------------|
| <b>Utilities</b>             |                |            |
| Community Assistance         | \$ 90,000      |            |
| Technical & Planning Support | <u>139,907</u> |            |
|                              |                | \$ 229,907 |

|                                         |               |            |
|-----------------------------------------|---------------|------------|
| <b>Park Services</b>                    |               |            |
| Regional Park Planning & Administration | \$ 189,923    |            |
| Braunig & Calaveras Parks Operations    | 261,880       |            |
| Technical & Planning Support            | <u>69,953</u> |            |
|                                         |               | \$ 521,756 |

|                                                    |                |              |
|----------------------------------------------------|----------------|--------------|
| <b>Administration</b>                              |                |              |
| Program Planning                                   | \$ 315,064     |              |
| Economic Development Technical Support             | 78,766         |              |
| Data Management                                    | 322,837        |              |
| Policy & Procedures Updates                        | 18,318         |              |
| Intergovernmental (State & Federal Representation) | 394,400        |              |
| General Administration                             | <u>945,399</u> |              |
|                                                    |                | \$ 2,074,784 |

**Total Estimated 2006 Property Tax Revenue**

\$ 11,942,733

**San Antonio River Authority**

**Projects/Programs Funded with the Maintenance Operations Tax - 2006**

**Project  
2006/07**

**Total by  
Service Area**

\* SARA has spent approximately \$13 million on Bexar County flood plain modeling and updates to Bexar County flood plain maps (dFIRMs) since 2002.

