



Agenda Item: Discuss and Consider the Approval to Execute the Subgrant Reimbursement Contract with the Texas Commission on Environmental Quality for the East End Lagoon Phase 1-A Project

Background: In April 2010, an explosion at the BP-operated Deepwater Horizon oil rig caused the worst oil spill in US history, with millions of barrels oil spilling into the Gulf of Mexico. In the summer of 2012, Congress passed the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) Act, which established the Gulf Coast Restoration Trust Fund and mandated that 80% of Clean Water Act (CWA) civil damages from the spill be allocated directly to the five impacted states, including Texas. In Texas, the Texas Commission on Environmental Quality (TCEQ) was tasked by the Governor to administer RESTORE funding.

In 2016 the Park Board applied for funding under this program for two projects. The project for approval today is based on implementing Phase 1-A of the “Master Plan for the East End Park and Preserve,” which AECOM completed in 2011. The East End Lagoon Nature Park and Preserve will safeguard and make publicly accessible a vital natural area – arguably the most ecologically significant parcel of undeveloped land remaining on Galveston Island today. It has the potential to transform popular perceptions of the island among residents and visitors alike and provide a tourism destination that focuses on natural resources while providing significant economic benefits to the island.

The proposed project is for the development of an elevated, open-air pavilion with tables and benches, restrooms, an ADA-compliant “experience pier,” parking, signage, landscaping and an interpretive nature trail. The project protects habitat, preserves the ecosystem, diversifies tourism, and promotes economic and ecologic resiliency. The view and educational opportunities from this pavilion will be a major asset for the Texas coast.

Tasks for the project will include:

- 1) Pavilion, Parking, Equipment & Fixtures Construction Specifications and Bid Documents from Architect
- 2) Trail & Landscaping Construction Plans, Specifications and Bid Documents from Architect/designer
- 3) Construction Contract for entire project (Phase IA)
- 4) Environmental Interpretive Planning Contract
- 5) Construction Management Contract for Project Oversight and Close Out

The Subgrant Reimbursement Contract provides \$1,350,000 worth of funding. In addition to the tasks above, this contract includes one year of maintenance and supplies. This contract is a reimbursement program.

The TCEQ Contract, governed by oversight and requirements of the U.S. Treasury, is the same base agreement as the contract for Babe’s Beach, approved by the Trustees on March 2, 2021. The main points of note that are different are the stringent procurement guidelines that must be followed by the Park Board under this federal contract and the requirement of a procurement policy addendum in our policy, specific to this RESTORE award. This addendum was drafted, reviewed by all parties and approved by the Trustees at their December 10, 2019 regular meeting.

This contract was brought before the Board at its March 23, 2021 meeting and received support for execution. The project was also brought before City Council at their April 22, 2021 workshop meeting to gain renewed concurrence. The project previously had received a unanimous vote of City Council in March of 2019.

Staff Recommendation: Staff recommends executing the subgrant reimbursement contract with the Texas Commission on Environmental Quality in the amount of \$1,350,000 for the East End Lagoon Phase 1-A Project.

Funding Source (if applicable): As mentioned above, this is a reimbursement program. When initially applying for the award members of the Kempner Fund offered a low interest loan to 'front load' the project with funding to pay vendors. Once vendors were paid, reimbursements would be requested. Once reimbursements were received the loan would be paid along with interest. This process would repeat until the completion of construction and all vendors were paid. Discussions with Kempner Fund representatives would need to be rekindled to discuss specifics of a loan. All transactions would be handled through the East End Lagoon budget fund.