

Mayor and Council Communication

DATE: 10/20/20

M&C FILE NUMBER: M&C 20-0768

LOG NAME: 60MARYS CREEK PERMIT AMEND 3 - PLUMMER

SUBJECT

(ETJ W-CD 3 and CD 7) Authorize Execution of Amendment No. 3 to City Secretary Contract No. 48728 with Plummer Associates, Inc., for Mary's Creek Water Reclamation Facility Permit Application for Ongoing Technical Support in the Amount Not to Exceed \$200,000.00 for a Revised Contract Amount of \$690,839.00 and Adopt Appropriation Ordinance

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the execution of Amendment No. 3 to City Secretary No. 48728 with Plummer Associates, Inc., for the Proposed Mary's Creek Water Reclamation Facility Permit Application, in the amount not to exceed \$200,000.00 for a revised Contract Amount of \$690,839.00; and
2. Adopt attached Appropriation Ordinance adjusting receipts and appropriations in the Sewer Capital Legacy Fund by increasing receipts and appropriations in the Mary's Creek Water Recycling Center project (City Project No. C01239) in the amount of \$200,000.00, and by decreasing receipts and appropriations in the Unspecified project (City Project No. UNSPEC) by the same amount.

DISCUSSION:

On January 31, 2017 Mayor and Council Communication (M&C C-28096), the City Council authorized the execution of City Secretary Contract No. 48728 with Alan Plummer Associates, Inc. to prepare the Texas Pollutant Discharge Elimination System (TPDES) permit for the proposed Mary's Creek Water Reclamation Facility (MCWRF) to the Texas Commission on Environmental Quality (TCEQ).

Amendment No. 1 was approved on July 24, 2018 for additional data review, public outreach and coordination meetings while Amendment No. 2 was approved on April 29, 2020 for additional water quality modeling services and data analysis to support the permitting process. Both Amendments No. 1 and No. 2 were administratively approved.

During the course of the project, staff has provided updates to the City Council at various milestones as needed. Informal Report (IR) 10140, submitted to City Council on May 8, 2018, described the TCEQ discharge permitting process in detail, while IR 10484, submitted to City Council on September 22, 2020 outlined the public meeting and contested hearing process and timeline.

Amendment No. 3 is needed for additional technical support, expert testimony, and attendance at meetings with public agencies in the event this discharge permit is referred by the TCEQ to the State Office of Administration Hearings (SOAH) for a contested hearing. The engineer will provide these services for an additional amount not to exceed \$200,000.00. Staff considers this proposed fee to be fair and reasonable for the scope of services proposed.

M/WBE OFFICE – A waiver of the goal for SBE subcontracting requirements was requested by the Department and approved by the OBD, in accordance with the BDE Ordinance, because the purchase of goods or services is from sources where subcontracting or supplier opportunities are negligible.

This project is located in the Extraterritorial Jurisdiction West of COUNCIL DISTRICTS 3 and 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the UNSPEC project within the Sewer Capital Legacy Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Sewer Capital Legacy Fund for the Mary's Creek Water Recycling C project. Prior to an expenditure being incurred, the Water Department has the responsibility of verifying the availability of funds.

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