

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Authorize A Revised Contract For The Surface Water Quality Assessment Clean Water Act §319(h) Grant Project

ORIGINATING DEPARTMENT

Public Works - Environmental Services

BACKGROUND INFORMATION

The Texas Commission on Environmental Quality (TCEQ) Non-Point Source Program (NSP) administers Clean Water Act (CWA) Section 319(h) grant funding for the U.S Environmental Protection Agency (EPA) in the state of Texas. The TCEQ NSP supports two types of surface water quality improvement grant project activities; assessment and implementation. Eligible assessment activities typically involve the collection and analysis of information about non-profit source pollution, its effect on surface water quality, and the results of best management practices (BMPs) used to reduce such pollution.

In October of 2009, the City Council authorized the City Manager to submit a letter of support for the City's participation in the Nolan Creek/South Nolan Creek Watershed Protection Plan Fiscal Year 2010 §319(h) grant application. The City was not selected for Fiscal Year 2010. Based on the above, the City Manager submitted a letter of support for the City's participation in the Fiscal Year 2011 §319(h) grant application in conjunction with the Texas Institute for Applied Environmental Research (TIAER) at Tarleton State University.

The City received notice from the TCEQ on October 24, 2011, that the EPA had selected TIAER's submitted project for funding. On September 21, 2012, the City of Killeen received notice from TIAER that the TCEQ had executed the contract with TIAER. On November 13, 2012, the City of Killeen City Council authorized participation in the Surface Water Quality Assessment Clean Water Act §319(h) Project Grant for the performance period through the City's Fiscal Year 2015-2016.

The original contract with TIAER stipulated that the City of Killeen provide \$53,300 of in-kind services and professional service agreements over a three-year grant period beginning in Fiscal Year 2012-2013. City staff currently performs 31% of the requested support services included in the Proposal as part of the best management practices outlined in the adopted Drainage Master Plan, Drainage Maintenance Plan, and the MS4 Permit. The City funds the remaining \$36,776 (69%) through professional services support from Jacobs Engineering for this grant. As part of the grant program, the City was to be reimbursed \$31,980 by the State for the combined in-kind services and professional agreements associated with the contract; however, the original contract expired on August 31, 2015.

DISCUSSION/CONCLUSION

As part of the contract that has now expired, the City of Killeen continues to provide support to TIAER in the form of a local match through in-kind services and professional services

agreements. The original scope of work required that City personnel commit to the following: attend and host selected stakeholder and research meetings; participate in project conference calls; support grant tracking and reporting; provide copies of reports on sanitary sewer overflows; support public outreach; provide copies of illicit discharge investigation reports and historic data; and perform GIS inventory activities and ground truthing, and assist with development of Load Duration Curves. The matching cost share for the City of Killeen involved personnel, maintenance, and professional services costs that are part of the Drainage Utility base program budget.

Due to unforeseen delays, deliverables were not completed timely before expiration of the original contract. In order to successfully complete the project grant, an agreement was reached between City Staff and TIAER to create a new contract to replace the expired contract rather than submit a contract amendment. The proposed contract extends the end-date of the original contract from August 31, 2015, to December 31, 2015, and reduces the work for tasks associated with the City's in-kind services.

FISCAL IMPACT

The remaining expenditures associated with this agreement were budgeted with the original contract and funds were previously encumbered for those allocated expenses. A reduction in the work for tasks associated with the City's in-kind services and professional services agreements reduces the contract reimbursable amount from the State to the City from \$31,980 to \$26,431 which is \$5,549 less than the original contract. The revenue will be reflected in the Fiscal Year 2016 Drainage Utility Fund, TCEQ EPA 319(h) Grant - Account Number 575-0000-382.56-03.

RECOMMENDATION

That the City Council authorize the City Manager to enter into an agreement with TIAER for completion of the Clean Water Act Section 319(h) Grant Project, and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by federal, state and local law.