

RESOLUTION NO. 2010- 59 R

A resolution authorizing the City Manager to execute a Professional Services Agreement between the City of Victoria and Camp Dresser & McKee, Inc. to Perform a Site Survey and Prepare a Wastewater Treatment Plant Permit Application for a Proposed 4.4 MGD Wastewater Treatment Plant near the intersection of Odem Street and Hand Road in Victoria, Texas, in the amount of \$49,050.00; and declaring an effective date.

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to execute a Professional Services Agreement between the City of Victoria and Camp Dresser & McKee, Inc. to Perform a Site Survey and Prepare a Wastewater Treatment Plant Permit Application for a Proposed 4.4 MGD Wastewater Treatment Plant near the intersection of Odem Street and Hand Road in Victoria, Texas, in the amount of \$49,050.00, which is attached hereto as Exhibit "A" and incorporated herein, with changes to form as are approved by the City Attorney.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 4<sup>th</sup> day of May, 2010.

AYES: 4

NAYS: 3

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 4<sup>th</sup> day of May, 2010.

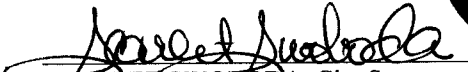


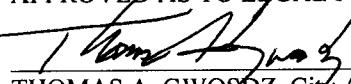
WILL ARMSTRONG, Mayor of the City of Victoria, Texas



ATTEST:

APPROVED AS TO LEGAL FORM:

  
SCARLET SWOBODA, City Secretary

  
THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department  
Public Works Department

Copies Sent: MAY 5, 2010

**Professional Services Agreement between the City of Victoria and Camp Dresser & McKee, Inc to Perform a Site Survey and Prepare a Wastewater Treatment Plant Permit Application for a Proposed 4.4 MGD Wastewater Treatment Plant near the Intersection of Odem Street and Hand Road in Victoria, Texas**

**OWNER:** The City of Victoria, a Texas municipal corporation, P.O. Box 1758, Victoria, Texas 77902

**PROFESSIONAL:** Camp Dresser & McKee, Inc., 12357-A Riata Trace Parkway, Austin, TX 78727

**PROJECT:** PROFESSIONAL shall perform a site survey and prepare and submit an application for a TPDES permit to the Texas Commission on Environmental Quality for a proposed 4.4 MGD wastewater treatment plant in accordance with the attached **Exhibit A**.

**OWNER'S REPRESENTATIVE:** Lynn Short, Director of Public Works, City of Victoria, (361) 485-3380, or his designee

**PAYMENTS TO PROFESSIONAL:** OWNER agrees to pay PROFESSIONAL on a lump sum basis \$49,050 for the Project within 30 days after acceptance of the services and receipt of an invoice for said services.

**GENERAL CONDITIONS:**

**1. Termination -** OWNER may terminate this agreement upon 10 days written notice to the other party with the understanding that all services being performed under this agreement shall cease upon the date specified in such notice. In the event of early termination PROFESSIONAL shall invoice OWNER for all services completed and shall be compensated in an amount corresponding to the percentage of the compensation corresponding to the percentage of the work satisfactorily completed on the effective date of termination, to the extent such work provides value to OWNER

**2. Ownership of Documents -** All documents prepared and assembled by PROFESSIONAL pursuant to this agreement shall become the property of the OWNER and shall be delivered to OWNER without restriction on future use. PROFESSIONAL may make copies of any and all documents for its files.

**3. Controlling Law -** This agreement is performable and is to be governed by the law applicable in Victoria County, Texas. Venue for any action arising under this Agreement shall be in Victoria County, Texas.

**4. Successors & Assigns -** Neither OWNER nor PROFESSIONAL shall assign, sublet or transfer any rights under or interest in (including, but without limitations, monies that may become due or monies that are due) this Agreement without the written consent of the other. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent PROFESSIONAL from employing independent consultants, associates and other employees to assist it in the performance of services hereunder.

**5. No Third-Party Beneficiaries -** Nothing herein shall be construed to give any rights or benefits to anyone other than OWNER and PROFESSIONAL.

**6. Independent Contractor -** In performing services under this agreement, the relationship between OWNER and PROFESSIONAL is that of independent contractor, and OWNER and PROFESSIONAL by the execution of this agreement do not change the independent contractor status of PROFESSIONAL. No term or provision of this agreement or act of PROFESSIONAL in the performance of this agreement shall be construed as making PROFESSIONAL the agent, servant, or employee of OWNER.

**7. Indemnity -** PROFESSIONAL agrees to indemnify and hold the OWNER whole and harmless against any and all claims, suits, and actions for damages, costs, and expenses to persons or property that may arise out of, or be occasioned by or from any negligent act, error or omission of PROFESSIONAL or any officer, agent, servant, employee or subcontractor of PROFESSIONAL in the execution or performance of this Contract. In the event of notice of a claim to which this indemnity might apply, so much of the money due the PROFESSIONAL under this contract as shall be reasonably considered necessary by the City may be retained for the use of the OWNER, until all

suits, actions, and claims shall have been settled and satisfactory evidence to that effect furnished the OWNER. This indemnity shall not apply to any claim to the extent to which an engineer is prohibited from indemnifying a governmental entity pursuant to Tex. Local Gov't Code § 271.904.


This agreement and its attachments may only be amended, supplemented, modified or canceled by a duly executed written instrument.

EXECUTED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

OWNER: City of Victoria, Texas

PROFESSIONAL: Camp Dresser & McKee, Inc.

\_\_\_\_\_  
Charles E. Windwehen, City Manager

  
\_\_\_\_\_  
Allen D. Wuelke, Vice President

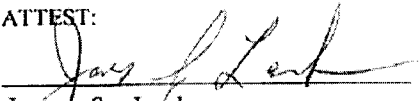
(seal)

(seal)

ATTEST:

ATTEST:

\_\_\_\_\_  
Scarlet Swoboda, City Secretary

  
\_\_\_\_\_  
James S. Lackman  
Secretary

FORM APPROVED:

\_\_\_\_\_  
Thomas Gwosdz, City Attorney

**Exhibit "A"**  
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12357 Arista Trace Parkway, Suite 210  
Austin, Texas 78717  
tel: 512 346 1100  
fax: 512 345 1483

March 17, 2010

Mr. Lynn Short  
Director of Public Works  
City of Victoria  
700 Main Center, Suite 108  
Victoria, Texas 77902-1758

Subject: City of Victoria/New Facility Wastewater Treatment Plant (WWTP) Site  
Texas Pollutant Discharge Elimination System (TPDES) Permit Application  
Proposal to Provide Professional Engineering Services

Dear Mr. Short:

Based on several meetings and conversations, including our meeting with the Texas Commission on Environmental Quality (TCEQ), we have prepared this proposal to prepare and submit a permit application on behalf of the City of Victoria for a new wastewater discharge permit that will expand the total treatment plant capacity of the City's wastewater system. The work associated with this assignment includes the preparation of the necessary paperwork and engineering calculations to develop the permit application. Associated with the permit application, we will need to accurately depict in the permit application the location of the treatment structures. To this end, we recommend, and are including in this proposal, a detailed topographic survey of the site. Once the plant is located for the permit application and the permit application is provided for public viewing, moving the location of the plant will be difficult. The scope of work, fee and schedule for this work is provided below.

Based on our recent meeting with TCEQ's Municipal Wastewater Permitting team on March 3, 2010, it was determined that that this proposed new facility permit application represents the City's best course of action, to avoid the re-opening and major amendment of either of the two recently renewed TPDES-permitted facilities. The new WWTP's outfall location options have been evaluated at several locations between the Willow Street WWTP and the Loop 175 Regional WWTP outfalls by the TCEQ water quality assessment team. The preliminary feasibility analysis of these modeled locations all indicate a proposed effluent set of 20/20/2 (mg/l of BOD5/TSS/DCO). The proposed City of Victoria WWTP site is located on approximately 76.2 acres in south Victoria that lies northwest of the intersection of Odem Street and Hand Road. The new WWTP plans to install a wastewater pipeline to convey

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effluent from the treatment plant to the selected outfall point that will be on the east bank of the Guadalupe River.

CDM has permitted three previous new WWTP facilities for TPDES permits within the past ten years. These projects included new, domestic WWTP facilities located in Georgetown, Bryan, and Rockport. Based on this recent experience, CDM is well aware of the intricacies that are involved with negotiation of a new permitted TPDES site with respect to affected landowners concerns and the potential for a contested new facility permit. For the Rockport Port Bay WWTP permit (RR Development Texas II), that was issued on September 30, 2010, CDM participated in a TCEQ-led contested case, mediation process that resulted in a compromise that was negotiated and agreed by all parties. This case represented a successful permit resolution that prevented the need for intervention by the Texas State Office of Administrative Hearings (SOAH) for a more deliberate settlement of contested case permits. CDM's strong relationship with the Wastewater Permitting team will allow us to guide the new Victoria TPDES permit through a potential situation of public permit opposition. CDM has also secured 18 WWTPs for TPDES permits with 4 pending during the past two years.

The specific scope of work items included in the permit application preparation and the follow up after the permit application is submitted are detailed in Attachment A.

The plant topographic survey will be conducted by the local office of Urban Surveying, Inc. The scope of work for the topographic survey includes taking natural ground shots in sufficient quantity to develop a detailed contour map of the site. The location of Live Oak trees will be identified along with the size of the trunk and canopy. These trees are being surveyed in an effort to save as many of these trees as possible when locating the plant facilities. The location of the perimeter of the tree motts other than Live Oaks will identified.

CDM proposes to complete the new Victoria WWTP permit application work and site survey on a lump sum basis. The proposed fee to perform this scope of services is \$49,050. The proposed amount includes all of CDM's labor and materials during the TCEQ's administrative and technical reviews and to provide responses to TCEQ staff information requests (water quality assessment, water quality modeling, pretreatment, applications review, municipal permits, bio-monitoring and groundwater) as directed by TCEQ, until the agency issues a draft TPDES permit and the Urban Surveying work for the site topographic survey. The fee included in this letter assumes that the permit application is uncontested. If the permit is contested and additional time is needed for meeting with the City, TCEQ or others, CDM proposes to work on a time-and-materials basis, as needed. The proposed fee does not include any analytical testing fees associated with this permit renewal application,

The City of Victoria Permit 18 Site Permit 03/17/2010



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such as the priority pollutant scan of effluent and any bio-monitoring tests, because they are normally not required for new facility permit applications. The TCEQ TPDES permit application filing fee of \$2,050 is also not included in the proposed fee. CDM may further need to work with you and the City's Pretreatment Program staff to collect any data on identified industrial wastewater contributions that may be required for this facility's TPDES permit application. Presented below is a breakdown of the scope of work and fee for preparing the proposed, new Victoria WWTP TPDES permit application.

This proposal does not include legal review of the permit application. We have prepared and submitted some applications without legal review, but that decision is the City's to make.

Please review the attached scope of work and fee. If you have any questions or comments we would appreciate the opportunity to discuss them with you. The proposed scope of services to produce a permit application and topographic survey for this facility can be completed within ninety (90) days from the City's authorization for notice-to-proceed to perform this project. Thank you for the opportunity to propose these regulatory assistance services for the City of Victoria.

Sincerely,

Allen D. Wolfke, P.E., BCCE  
Vice President  
Camp Dresser & McKee Inc.  
TBE Firm Registration No. F-3043

Xc: Jimmy Roach, City of Victoria  
Roger Schenk, CDM  
Terry Ruddick, Urban Surveying, Inc.

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Attachment A

CITY OF VICTORIA  
NEW FACILITY WASTEWATER TREATMENT PLANT (WWTP)

TCEQ TPDES DOMESTIC WASTEWATER NEW PERMIT APPLICATION

TCEQ NEW FACILITY PERMIT - POTENTIAL APPLICATION REQUIREMENTS:

- Standards Map (Original USGS Map(s) annotated with WWTP Site Boundary and all relevant Physical/ Hydrological/Specified Features located within a one-mile radius from plant)
- Landowners Map (Victoria County Appraisal District Map with WWTP site in relation to adjacent landowners and all landowners located within 1-mile downstream of proposed outfall)
- Site Drawing Map (Service Area Map showing Service Area and Plant Boundaries, Wind Rose, etc.)
- Facility Drawing (Plant Boundaries, Treatment Units, Buffer Zone Setback Distances, Variances, etc.)
- Receiving Waters Analysis (Stream Flow and Physical Channel Characteristics)
- Receiving Waters Map (3-mile Receiving Water delineation/Public Water Supply facilities/ Well Locations/Springs, etc.)
- Regionalization Map (Map showing proposed, new Victoria WWTP in relation to regional wastewater facilities)
- Influent Flow/Expected Influent BOD Characteristics
- Effluent Water Quality Characteristics (Texas Surface Water Quality Standards - Segment 1803)
- Effluent Priority Pollutant Criteria (Volatiles/Semi-Volatiles/Metals/Herbicides/Pesticides/PCBs) based on TCEQ TEX-TOX water quality criteria for Segment 1803 of Guadalupe River basin

For City of Victoria Permit 5-5-09 Per-101-17-2010

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- Wastewater Flow Schematic Diagram
- Sludge Disposal Program Description
- Industrial Waste Characteristics (Industrial User Survey/Significant Industrial Users/Programs, etc)
- Supplemental Information Form (Landform/Habitat Descriptions/Planned WWTP Construction Characteristics, etc.)
- Request for Information Response (Series of letter responses to fulfill any information requests made by TCEQ's Administrative or Technical reviewers during the permit application process)
- Administrative and Technical Information Forms (Miscellaneous information not identified above)

File List of Selected Permit 510 Permit 03/17/2010