



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: September 12, 2022

TO: President Heather Graham and Members of City Council

CC: Nicholas A. Gradisar, Mayor

VIA: Marissa Stoller, City Clerk

FROM: Andra Ahrens, Wastewater Director

SUBJECT: AN ORDINANCE APPROVING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$150,000 BETWEEN THE CITY OF PUEBLO AND BROWN AND CALDWELL, INC., FOR REGULATORY ASSISTANCE AND GENERAL ENGINEERING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE SAME

SUMMARY:

This Ordinance accepts an agreement between the City and our Engineer of Record, Brown and Caldwell, Inc for professional services associated with regulatory assistance and general engineering services. The agreement will aid with permitting or evaluation of proposed regulatory changes in hearings and workgroups, engineering support for process issues or evaluations, and support for collection system inspections and field support.

PREVIOUS COUNCIL ACTION:

Resolution No. 14081 awarded an agreement between the City of Pueblo and Brown and Caldwell, Inc., to provide engineering services for the Pueblo Wastewater Department, on November 12, 2018.

BACKGROUND:

The Wastewater Department operates the 30-year-old James R. Dilorio Water Reclamation Facility and the collection system in which 67% of the infrastructure is over 50 years old. Process issues can occur for many reasons from improperly functioning equipment to unknown sources of contaminates. Brown and Caldwell can assist with the resolution by running the Water Reclamation Facility model to determine the outcome of various scenarios that can help determine the proper action without trial and error. Large engineering firms can also request information from other engineers throughout the United States to determine what has worked in other situations. This pool of knowledge can be valuable. The impact of any regulatory changes can be more fully understood if the engineering restrictions are evaluated. Response to regulatory changes and hearing proposals often need to be submitted quickly to have them considered by the Water Quality Control Division.

This agreement between the City and Brown and Caldwell, Inc. authorizes Brown and Caldwell, Inc. to provide the Wastewater Department with access to as needed assistance to make decisions on regulatory issues, resolve issues related to operation of the Water Reclamation Facility and general engineering services.

FINANCIAL IMPLICATIONS:

Funds for this project are available from the Sewer User Fund and have been appropriated in the Sewer User Fund, Professional Services 52541200-53001.

BOARD/COMMISSION RECOMMENDATION:

None

STAKEHOLDER PROCESS:

None

ALTERNATIVES:

The alternative is to wait for specific issues to occur prior to requesting funds to address them. This would potentially allow a problem to escalate to a higher level before the issue could be resolved or not allow a response to the Water Quality Control Division due to insufficient time.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Agreement for Professional Services between the City of Pueblo and Brown and Caldwell, Inc. Scope of Work is attached.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$150,000 BETWEEN THE CITY OF PUEBLO AND BROWN AND CALDWELL, INC., FOR REGULATORY ASSISTANCE AND GENERAL ENGINEERING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE SAME

WHEREAS, the City of Pueblo owns, operates and maintains a wastewater system subject to the requirements of the Federal Clean Water Act and the Colorado Water Quality Control Act; and

WHEREAS, the Colorado Department of Public Health and Environment may adopt the changes in regulations that may affect the compliance status of Pueblo's Water Reclamation Facility; and

WHEREAS, the James R. Dilorio Water Reclamation Facility may require general engineering recommendations and guidance; and

WHEREAS, Brown and Caldwell, Inc is the Engineer of Record for the James R. Dilorio Water Reclamation Facility, they will provide professional services; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Agreement for Professional Services by and between Pueblo, a Municipal Corporation, and Brown and Caldwell, Inc., a true copy of which is attached hereto and incorporated herein by reference (the "Agreement") having been approved as to form by the City Attorney, is hereby approved.

SECTION 2.

Funds for payment for professional services under said Agreement in an amount not to exceed \$150,000 shall be paid from appropriated funds budgeted in the City's 2022 Budget from the Sewer User Fund, Professional Services 52541200-53001.

SECTION 3.

The Mayor is hereby authorized to execute said contract on behalf of Pueblo, A Municipal Corporation, and the City Clerk shall affix the seal of the City thereto and attest the same.

SECTION 4.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of this Ordinance and the attached agreement to implement the transactions described therein.

SECTION 5.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk