

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Environmental Services  
**AGENDA DATE:** July 19, 2011  
**CONTACT PERSON/PHONE:** Ellen A. Smyth, P.E., (915) 621-6719  
**DISTRICT (S) AFFECTED:** All Districts

**SUBJECT:**

Approve a Local Air Program Grant Amendment #2 with the Texas Commission on Environmental Quality

**BACKGROUND / DISCUSSION:**

This is an amendment to Contract #582-10-90258. The purpose of the contract is to conduct compliance investigations at permitted air sources including, but not limited to, gasoline stations, paint shops, auto body shops and cabinet shops. The grant amount is for \$ 321,074.00 for the period of September 1, 2011 through August 31, 2012. City matching funds are required in the amount of \$ 158,140.

**PRIOR COUNCIL ACTION:**

June 2009  
July 2010

**AMOUNT AND SOURCE OF FUNDING:**

\$158,140.00 Matching Amount  
Fund: 40429  
Account: G341217  
Deptid: 34010289  
Account: 406003

**BOARD / COMMISSION ACTION:**

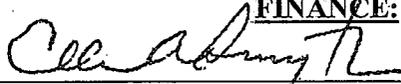
N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Josette Flores

**FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**



(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

**WHEREAS**, for FY2010, the City received a Texas Commission on Environmental Quality (“TCEQ”) Local Air Program grant under Contract Number 582-10-90258, for \$321,074, which required a cash match from the City in the amount of \$158,140, which match was approved by City Council for the City of El Paso, to conduct compliance investigations on behalf of TCEQ; and

**WHEREAS**, for FY2011, the City Council approved Amendment #1 to extend the term of TCEQ Contract No. 582-10-90258 to cover the period of September 1, 2010 through August 31, 2011, in an amount of \$321,074, with a cash match from the City in the amount of \$158,140, resulting in a total of \$479,214; and

**WHEREAS**, for FY2012, TCEQ seeks the approval of Amendment #1 to extend the term of TCEQ Contract No. 582-10-90258 to cover the period of September 1, 2011 through August 31, 2012, in an amount of \$321,074, with a cash match from the City in the amount of \$158,140; and

**WHEREAS**, Amendment #2 to Contract No. 582-10-90258, indicates the total of the FY2010 (\$321,074), FY2011 (\$321,074) and FY2012 contract amount as being \$963,222; and

**WHEREAS**, as Amendment #2 to Contract No. 582-10-90258 calls for matching funds, in accordance with Ordinance No. 16016, the document requires City Council approval.

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Manager be authorized to sign Amendment #2 of the Local Air Program grant contract No. 582-10-90258 (the “Amendment”) by and between the City of El Paso and the Texas Commission of Environmental Quality (“TCEQ”), in the amount of \$321,074.00 to allow for services to continue for the period of September 1, 2011 through August 31, 2012, to conduct compliance investigations on behalf of TCEQ at permitted air sources including, but not limited to, gasoline stations, paint shops, auto body shops and cabinet shops. City matching funds are required in the amount of \$158,140. The City Manager is authorized to approve necessary budget transfers to designate the required matching funds.

**PASSED AND APPROVED** by the City Council of the City of El Paso in El Paso, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

*(Signature appear on following page)*

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Ellen A. Smyth, P.E., Director  
Environmental Services Department

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**AMENDMENT #2  
TO  
LOCAL AIR PROGRAM CONTRACT**

The Texas Commission on Environmental Quality ("TCEQ") and The City of El Paso ("PERFORMING PARTY"), agree to amend Contract # 582-10-90258 to: (1) renew the contract for Fiscal Year 2012 (FY12), (2) increase the contract amount to include funding for FY12, (3) update contact information, and (4) update the Scope of Work. The Contract is amended as follows:

1. The Term of Contract is extended to August 31, 2012.
2. The Maximum TCEQ Obligation is increased by \$321,074.00 to \$963,222.00. The total compensation possible under this contract is as follows:

FY10, Original Contract Amount	\$321,074.00
FY11, Amendment #1	\$321,074.00
FY12, Amendment #2	\$321,074.00
Total Contract Price (Maximum TCEQ Obligation)	\$963,222.00

3. The TCEQ's PROJECT REPRESENTATIVE/Project Manager is:

Faith Melgaard  
Field Operations Support Division  
Mail Code 174  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, TX 78711-3087  
Phone: 512-239-0458

4. Pursuant to Articles 3 and 4 of the Scope of Work of the Contract, paragraphs 3.2 and 4.2.3.3 are amended to state:

3.2 Periodic program evaluation meetings. The intention of periodic program evaluations is to ensure ongoing program effectiveness. Evaluations of the PERFORMING PARTY are based on both individual work product evaluations and trends identified through work product evaluations as well as performance under the various activities required under the Agreement. Program evaluation meetings will be held at least quarterly during the course of this Agreement term. The meetings will include at least the TCEQ Regional Representative and TCEQ Regional Air and Waste Section Managers or his/her designee, and the PERFORMING PARTY's representative responsible for day to day program oversight. Standing topics for each meeting should include at least the following topics:

- Updates on progress made on the work plan;
- Updates on program implementation issues;
- Work plan development for future years;
- Discussions on progress implementing corrective action plans, if any, and;

- Discussions related to the various work product evaluations conducted by the TCEQ.

If the TCEQ work product evaluations conducted since the previous meeting result in the TCEQ identifying deficiencies or a trend toward unsatisfactory performance, the discussions will include the conditions that contributed to the deficiency or trend. The TCEQ Regional Representative or designee will document the meeting and will provide meeting minutes or a meeting summary to the PERFORMING PARTY's representative within three calendar weeks of the meeting.

4.2.3.3 Stage II - List of All Facilities. The PERFORMING PARTY shall identify and maintain a list identifying those motor vehicle fuel dispensing facilities within the PERFORMING PARTY's territorial jurisdiction where Stage II vapor recovery equipment is required pursuant to the TCEQ rules (30 TAC 115.221 - 115.229 and 115.241 - 115.249). The list of these sources shall be utilized when developing and implementing Work Plans, and therefore should be maintained as the fiscal year progresses, but must be as accurate as possible prior to Work Plan development in any given fiscal year.

Stage II - List of Newly Identified or Closed Facilities. A listing of Stage II facilities which were newly identified or which were identified as closed or no longer in business shall be created, updated and maintained by the PERFORMING PARTY. Upon request, this list shall be provided by the PERFORMING PARTY to the TCEQ Regional Representative and include the total number of facilities identified since the beginning of the fiscal year covered by this Agreement.

All other conditions and requirements of Contract Number 582-10-90258 remain unchanged.

**TCEQ:**  
Texas Commission on Environmental Quality

**PERFORMING PARTY:**  
The City of El Paso

By:  
 \_\_\_\_\_  
 (Signature)

By:  
 \_\_\_\_\_  
 (Signature)

Zak Covar  
 (Printed Name)

Joyce Wilson  
 (Printed Name)

Deputy Executive Director  
 (Title)

City Manager  
 (Title)

\_\_\_\_\_  
 (Date Signed)

\_\_\_\_\_  
 (Date Signed)

CITY CLERK DEPT.  
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