

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: May 14, 2013		DATE SUBMITTED: April 28, 2013	
DEPARTMENT OF ORIGIN: Water Services		SUBMITTED BY: Jayson Barfknecht	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> DIVERSITY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> EDUCATION
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> GROWTH
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> IMAGE
			<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> PUBLIC SAFETY
AGENDA ITEM DESCRIPTION: Consider approving a Third Amendment to the Interlocal Agreement between the City of Bryan and Wickson Creek Special Utility District for Water Utility Operation and Development Enhancement for a not to exceed amount of \$600,000.			
SUMMARY STATEMENT: The Water Services Department respectfully requests City Council approve the Third Amendment to the Interlocal Agreement between the City of Bryan and Wickson Creek Special Utility District (SUD) for Water Utility Operation and Development Enhancement. This amendment will allow the City of Bryan and Wickson Creek Special Utility District (SUD) to share in the construction costs of an emergency interconnect constructed on Bullinger Creek Drive, where the two water systems are located near each other. This project was identified during the work as described in the first and second amendments.			
<p>The City Council approved the First Amendment to the Interlocal Agreement on June 10, 2008. This amendment approved a professional services study to identify points in both systems where interconnect locations could be constructed. A location along Bullinger Creek Drive was identified as the best and most economical location for an interconnect between the two systems.</p> <p>The Second Amendment to the Interlocal Agreement was approved on March 10, 2009. This amendment approved the sharing of costs between the two entities in hiring Winn Professional Engineers and Constructors, LLC (“WPEC”) to design an interconnect between the two water systems to be located along Bullinger Creek Drive, as identified in the First Amendment.</p> <p>Although, both water systems are able to meet fire flows under normal operating conditions, unforeseen emergencies do occur. Interconnecting both systems will help mitigate these emergencies. Pending approval, the interconnect project will be awarded to a contractor (this action is also on this agenda) and the project will be constructed.</p> <p>The cost of the construction, which is to be shared equally between the two entities, is not to exceed \$600,000 dollars. The construction contract is expected to be complete within 180 calendar days from authorization to proceed. Under this proposed amendment, the City of Bryan will contract with a contractor for the full amount of the contract and then will be reimbursed by Wickson Creek Special Utility District upon invoicing for an amount equal to fifty percent of the contract. The Third Amendment has an allowance, greater than the initial cost of the contract, to account for minor unforeseen changes, if any.</p> <p>The design allows the interconnect to sense pressure drops on both water systems and will be equipped with valves that automatically open to allow bi-directional water flow, should either system’s pressure drop during an emergency situation. Supervisory Control and Data Acquisition (SCADA) will allow both utilities to monitor this interconnect and override the valves in the event a leak is the cause of the low pressure. The interconnect will also</p>			

be designed so that pressure on the side that is providing water does not drop below the minimum 35 psi pressure, in order to protect the integrity of the providing system.

This project is to help provide fire protection to the growing east side of Bryan and Highway 21 corridor including Coulter Airfield, and to provide a secondary emergency supply to both water systems.

STAFF ANALYSIS:

- A. PROS:** The benefit of this amendment is to construct an interconnect between both water systems to provide increased water service reliability to meet emergency demands under extenuating circumstances within either water system.
- B. CONS:** If approved, public funds will be expended. If this amendment is not approved, an opportunity to partner with a neighboring water supply system to provide increased fire protection and water service during an emergency to City of Bryan residents would be missed.

STAFF'S RECOMMENDATION (Including Rationale and Justification): In December 2007, an Interlocal Agreement between the City of Bryan and Wickson Creek Special Utility District for Water Utility Operations and Development Enhancement was approved. The intent of this agreement was to have collaboration between the City of Bryan and Wickson Creek SUD, so the two water systems could complement each other to support future growth and provide enhanced fire flow during emergency situations.

The First Amendment approved on June 10, 2008, was the initial step towards identifying the location(s) where the two water systems should be interconnected. The resulting study was completed in November 2008. The study identified the location designed in the Second Amendment and being proposed to be constructed in this Third Amendment, as an optimal location for the two systems to be interconnected.

The Second Amendment approved on March 10, 2009, was the second step towards making this project a reality. It included the sharing of costs between the two entities for the hiring of Winn Professional Engineers and Constructors, LLC (“WPEC”) to design an interconnect between the two water systems located along Bullinger Creek Drive, as identified in the First Amendment.

Water Services recommends the Third Amendment be approved so a contract to construct the interconnection between both water systems can be awarded and executed.

OPTIONS (In Suggested Order of Staff Preference):

- 1. Approve the Interlocal Agreement
- 2. Approve the Interlocal Agreement with modifications to the terms and conditions, which may require consideration at a future City Council meeting
- 3. Do not approve the Interlocal Agreement and provided direction to staff

ATTACHMENTS: Agreement (word)

FUNDING SOURCE: Water Operating Fund

APPROVALS: Jayson E. Barfknecht 04/28/13; Hugh R. Walker, 05/03/2013

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 05/06/2013

APPROVED FOR SUBMITTAL: CITY MANAGER

**THIRD AMENDMENT and MODIFICATION
TO THE INTERLOCAL AGREEMENT BETWEEN CITY OF BRYAN AND WICKSON CREEK
SPECIAL UTILITY DISTRICT FOR WATER UTILITY OPERATION AND DEVELOPMENT
ENHANCEMENT**

This THIRD AMENDMENT and MODIFICATION to the INTERLOCAL AGREEMENT BETWEEN CITY OF BRYAN AND WICKSON CREEK SPECIAL UTILITY DISTRICT FOR WATER UTILITY OPERATION AND DEVELOPMENT ENHANCEMENT, shall be effective as of the date of execution herein, is by and between the City of Bryan, a Texas home rule municipal corporation (“Bryan” or “City of Bryan”) and Wickson Creek Special Utility District, a political subdivision of the State of Texas (“Wickson” or “Wickson Creek SUD”).

WHEREAS, Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, authorizes local governments to contract or agree to perform governmental functions and services, including but not limited to, the study of the feasibility of the performance of a governmental function or service by an interlocal contract; and

WHEREAS, the City of Bryan and Wickson Creek SUD entered into the original INTERLOCAL AGREEMENT BETWEEN CITY OF BRYAN AND WICKSON CREEK SPECIAL UTILITY DISTRICT FOR WATER UTILITY OPERATION AND DEVELOPMENT ENHANCEMENT, as of February 4, 2008; and

WHEREAS, the City of Bryan and Wickson Creek SUD have also entered into a separate Interlocal Agreement, the INTERLOCAL AGREEMENT BETWEEN THE CITY OF BRYAN AND WICKSON CREEK SPECIAL UTILITY DISTRICT EMERGENCY WATER TRANSFER, dated February 4, 2008 for Emergency Water Transfer; and

WHEREAS, Bryan and Wickson mutually desire to construct an emergency interconnect between the two water systems for service during times of emergency or shut down for maintenance, and to enter into a construction contract with a contract to perform such work;

NOW THEREFORE, the City of Bryan and Wickson Creek SUD agree to amend and modify the INTERLOCAL AGREEMENT BETWEEN CITY OF BRYAN AND WICKSON CREEK SPECIAL UTILITY DISTRICT FOR WATER UTILITY OPERATION AND DEVELOPMENT ENHANCEMENT as follows:

1. The following sub-paragraphs shall be added to the existing paragraph 2:
 - (a) Dudley Construction LTD Company shall enter into a contract with the City of Bryan to construct the interconnection between the City of Bryan and Wickson Creek SUD water systems for service during times of emergency or shut down for maintenance, at a cost of **\$514,065.00** for the scope of work presented in the RFB # 13-017 Wickson Creek Eastside Interconnect City Project Number 611-D6-1209 and Bryan, attached hereto as Exhibit A and incorporated herein by reference.
 - (b) The City of Bryan and Wickson Creek SUD agree to equally share the cost of the services provided by Dudley Construction LTD Company contract up to a not to exceed amount of \$600,000.00 without further amendment to this Agreement. Any Changes beyond the scope identified in the original Contract shall be approved by Wickson Creek SUD General Manager.

(c) Invoices from Dudley Construction LDT company shall be submitted to the City of Bryan and payment shall be due within thirty (30) days of the date the invoice is received.

(d) The City of Bryan shall be reimbursed by Wickson Creek SUD for fifty percent (50%) of the amount of each invoice submitted by Dudley Construction LTD Company to the City of Bryan within thirty (30) days of payment by the City of Bryan.

2. All other terms and conditions of the INTERLOCAL AGREEMENT BETWEEN CITY OF BRYAN AND WICKSON CREEK SPECIAL UTILITY DISTRICT FOR WATER UTILITY OPERATION AND DEVELOPMENT ENHANCEMENT shall remain unchanged.

EXECUTED by the duly authorized representatives of the Parties hereto on this 14th day of May, 2013:

CITY OF BRYAN

WICKSON CREEK SPECIAL UTILITY DISTRICT

By: _____
Jason P. Bienski, Mayor

By: _____
Jimmy Dunn, Board President

ATTEST:

ATTEST:

Mary Lynne Stratta, City Secretary

Lowell Jones, Secretary

APPROVED:

APPROVED:

Kean Register, City Manager

Kent Watson, General Manager

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney