

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works and
Daniel V. Cardenas, Director of Environmental Services

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Manuela G. Shannon, P.E., Joseph H. duMenil,
Nancy A. Beward, Daniel V. Cardenas, David Newman, File

SUBJECT: Disposal Services Contract with Waste Management and Browning
Ferris, Inc. for Davis Lake Project

DATE: October 24, 2002

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the execution of a Special Waste Disposal Contract in the amount of \$201,500.00 and \$200,000.00 with Waste Management, Inc. and Browning Ferris, Inc., respectively, for disposal of contaminated materials associated with the Davis Lake De-silting Project, located in City Council District 3. This is an authorized 1985 Drainage Bond Project to be funded from General Obligations of the City.

Staff recommends approval of this Ordinance.

BACKGROUND

The Corps of Engineers (COE) has requested that the City of San Antonio dredge and re-grade the lake, as part of the City's federally required maintenance of the San Antonio River Channels Improvement Project. The San Antonio River, located within this project, was modified for flood control purposes by the COE in 1957 and in 1969 as part of the San Antonio Channel Improvements Project (SACIP), Unit 1. As part of this project, Espada Dam was built to protect and preserve the function of the original historic Espada Acequia Dam. The impoundment created by Espada Dam is called Davis Lake. Over the last thirty years, large amounts of material have been deposited in Davis Lake. The deposited material is reducing the flood conveyance in this reach of the San Antonio River. This project will provide floodwater conveyance per the original engineered design of the channel.

The City of San Antonio, Environmental Services Department conducts environmental investigations on all City acquisitions and significant construction projects. The Environmental Services Department in conjunction with the Public Works Department investigated potential contaminants in the silt material to be removed from the San Antonio River between Espada and San Juan Dams. The Environmental Services Department has provided Public Works with testing and evaluation of the silt to be removed, logistics and feasibility of recycling, waste characterization, and environmental oversight for this de-silting project.

Environmental investigations of the proposed project area identified potentially 100,000 cubic yards of silt material impacted with heavy metals, petroleum hydrocarbons, volatile organic compounds, and polychlorinated biphenyls. This material has been classified and approved as Class II Non-hazardous waste with both Waste Management and Browning Ferris, Inc. landfills. Because of the waste classification, this waste must be disposed of in accordance with federal, state, and local requirements at an authorized landfill.

Utilizing existing professional service agreements, the Environmental Services Department requested, negotiated, and received disposal rates from both Waste Management and BFI based on the waste type and specific volume. The disposal fees proposed are \$4.03 per cubic yard and \$4.00 per cubic yard for Waste Management and BFI, respectively. Based on the quantity to be disposed, slight differences in unit rates, the need to conserve landfill capacity, and nearly identical distance of the project site to both landfills, staff recommends that the quantity of waste be disposed of evenly between both landfills. The anticipated volume to be disposed of at both landfills is a minimum of and up to 40,000 and 50,000 cubic yards, respectively. Through value engineering and recycling efforts, staff expects to reduce the total volume of waste to be disposed. The recycling efforts consist of screening the de-silted material on site. Only impacted silt material will be transported to a landfill. Rocks removed from the material will be recycled and used on in-house drainage maintenance projects and French drain applications.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council direction to appropriately address the environmental issues associated with the Davis Lake de-silting project. On April 4, 2002, City Council approved ordinance 95546, which appropriated \$681,699.77 and authorized drainage maintenance services to be performed by the Public Works Department Storm Water Operations Division in connection with the Davis Lake De-silting project.

FINANCIAL IMPACT

This is a one-time expenditure. Funds in the amount of \$401,500.00 are available from General Obligations of the City and authorized payable as follows:

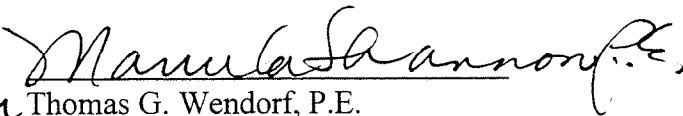
\$201,500.00 payable to Waste Management, Inc. for disposal of contaminated soil
\$200,000.00 payable to Browning Ferris, Inc. for disposal of contaminated soil

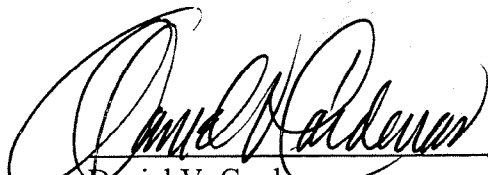
SUPPLEMENTARY COMMENTS

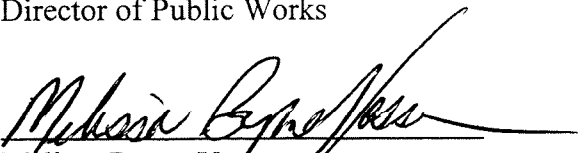
A disclosure statement required by the Ethics Ordinance is attached for both companies.

COORDINATION

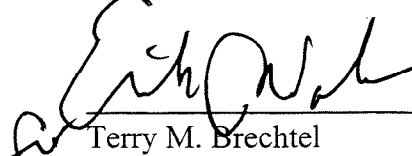
This request for Ordinance has been coordinated with the Environmental Services Department, the Asset Management Department Contract Services Division and the City Attorney's Office.


for Thomas G. Wendorf, P.E.
Director of Public Works


Daniel V. Cardenas
Director of Environmental Services


Melissa Byrne Vossmer
Assistant City Manager

APPROVED:


Terry M. Brechtel
City Manager

City of San Antonio
Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

- (1) the identity of any **individual** who would be a party to the discretionary contract;

NA

- (2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

NA

and the name of:

- (A) any individual or business entity that would be a *subcontractor* on the discretionary contract;

NA

- (B) any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary* business entity, of any individual or business entity who would be a party to the discretionary contract;

NA

- (3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

NA

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.


Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current or former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
NA		

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature: 	Title: GENERAL MANAGER Company: BFI WASTE SYSTEMS OF NORTH AMERICA INC.	Date: 9/12/02

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

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(1) the identity of any **individual** who would be a party to the discretionary contract;

N/A

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:
Covel Gardens Landfill and the name of:

(A) any individual or business entity that would be a *subcontractor* on the discretionary contract;

N/A

(B) any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary* business entity, of any individual or business entity who would be a party to the discretionary contract;

Waste Management of Texas, Inc.

(3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

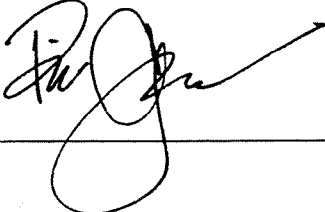
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To Whom Made:	Amount:	Date of Contribution:
Raul Prado	\$ 500.00	January 2002
Toni Morehouse	\$ 500.00	March 2001
Enrique "Kike" Martin	\$ 500.00	March 2001

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature: 	Title: District Landfill Manager Company: Waste Management of Texas, Inc.	Date: 9/12/02

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.