

**CITY OF SAN ANTONIO
SAN ANTONIO METROPOLITAN HEALTH DISTRICT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Fernando A. Guerra, MD, MPH, Director of Health

SUBJECT: ORDINANCE ACCEPTING TWO (2) CONTRACT AMENDMENTS FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DATE: June 30, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the Interim City Manager to accept and execute contract amendments for two separate contracts with the Texas Commission on Environmental Quality (TCEQ). One amendment provides an additional \$39,167.00 to a contract supporting the San Antonio Metropolitan Health District (SAMHD) Public Center of Environmental Health (PCEH) in the operation and maintenance of several air quality monitors in the local area. In addition, it extends the contract period from August 31, 2005 through December 31, 2005. The second amendment provides an additional \$30,000.00 to a contract supporting the PCEH in the operation and maintenance of two (2) 2.5 micron particulate matter (PM) air monitors that are currently in service plus three (3) additional 2.5 PM monitors to be established later this year. In addition, this amendment from TCEQ extends the contract period from August 31, 2005 through August 31, 2006. This ordinance further revises the program budgets, and revises the personnel complements.

Staff recommends approval.

BACKGROUND INFORMATION

The San Antonio Metropolitan Health District (SAMHD) Public Center for Environmental Health (PCEH) was established to protect the environment of residents in San Antonio. Since air quality has a potential health impact, air monitoring and follow up measures to address the problems identified are important for this objective. The Texas Commission on Environmental Quality (TCEQ), an agency of the State of Texas, has contracted with the City of San Antonio for PCEH to manage two local air monitoring efforts. Through one contract PCEH operates and maintains various air **quality** monitors. Another contract from TCEQ supports work by PCEH to operate and maintain air **particulate matter** monitors that trap small air particles known to trigger asthma and other respiratory illnesses in children.

PCEH will oversee and coordinate these operations with TCEQ by collecting air samples and delivering them to the designated analytical laboratory. In addition, PCEH staff will visit each of the continuous air monitors to authenticate functionality on a regular basis.

A total of nine (9) individuals will be involved in the operation of these two programs. Their total hours will be the equivalent of 5.10 FTEs as identified below:

Personnel (FTEs)				
Class	Position	Contract 582-5-55852	Contract 582-5-55885	Total Positions
0041	Administrative Assistant	0.25 *	0.00	0.25
0202	Sanitarian II	2.00	0.00	2.00
0206	Health Program Manager	0.25	0.25	0.50
0252	Epidemiology Program Manager	0.00	0.10 *	0.10
0865	Special Projects Officer	0.25	0.25	0.50
0870	Special Projects Coordinator	0.25 *	0.25 *	0.50
0873	Accountant I	1.00	0.00	1.00
0892	Fiscal Officer	0.25 *	0.00	0.25
	Total:	4.25	0.85	5.10

* - Expanded Duties

Four (4) of these positions, currently dedicated to other environmental programs, will have additional duties extended to this program (1.10 FTEs). Also, two individuals currently working on the program will expand their duties from a combined partial assistance of 0.70 FTE to a 1.00 FTE. All nine positions will be utilized for monitoring both the established monitors and two new monitors that TCEQ will install.

Both programs require these positions for oversight, coordination of sample gathering, and program accountability (See Attachment I).

POLICY ANALYSIS

This ordinance follows the City practice of utilizing Federal, State and other funds to protect community health.

FISCAL IMPACT

This ordinance authorizes two (2) contract amendments between TCEQ and SAMHD as follows:

The contract to operate and maintain the air quality monitors (Contract 582-5-55852) will be extended from TCEQ's fiscal year ending August 31, 2005 through calendar year ending December 31, 2005. An additional \$39,167.00 is provided from TCEQ to support this change. Funding for calendar year 2006 is anticipated.

The contract to operate and maintain the air particulate matter monitors (Contract 582-5-55885) will be extended from August 31, 2005 through August 31, 2006 and three new monitors will be added within the next year. An additional \$30,000.00 will be provided from TCEQ for this change.

With these two amendments, funding for the combined projects will total \$334,167.00. These contract amendments will place no demand on the City General Fund.

COORDINATION

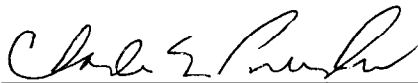
The City Attorney's Office and the Human Resources Department, Risk Management Division, have reviewed and approved the agreements. The Office of Management and Budget and Finance Department have approved the program budgets. The SAMHD has coordinated these programs with the Departments of Environmental Services and External Relations.

SUPPLEMENTARY COMMENTS

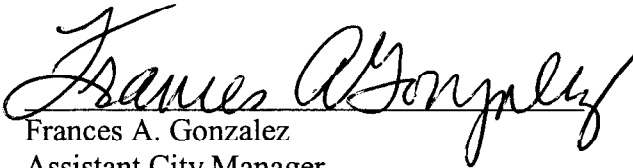
Provisions of the Ethics Ordinance do not apply.

Attachments:

- Attachment I: Texas Commission on Environmental Quality Contract Number 582-5-55852, Amendment Number 1 Budget and Personnel Complement
- Attachment II: Texas Commission on Environmental Quality Contract Number 582-5-55885, Amendment Number 1 Budget and Personnel Complement
- Attachment III: Contract Number 582-5-55852, Contract Amendment Number 1
- Attachment IV: Contract Number 582-5-55885, Contract Amendment Number 1



Fernando A. Guerra, MD, MPH
Director of Health



Frances A. Gonzalez
Assistant City Manager



J. Rolando Bono
Interim City Manager

AN ORDINANCE

AUTHORIZING THE ACCEPTANCE OF TWO (2) CONTRACT AMENDMENTS WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) AS FOLLOWS: AN AMENDMENT PROVIDING AN ADDITIONAL \$39,167.00 TO SUPPORT THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) PUBLIC CENTER FOR ENVIRONMENTAL HEALTH (PCEH) IN THE OPERATION AND MAINTENANCE OF AIR MONITORS IN THE SAN ANTONIO, TEXAS AREA AND EXTENDING THE PERIOD FROM AUGUST 31, 2005 THROUGH DECEMBER 31, 2005, AND AN AMENDMENT PROVIDING AN ADDITIONAL \$30,000.00 TO SUPPORT THE SAMHD PCEH IN THE OPERATION AND MAINTENANCE OF THREE (3) PM 2.5 AIR MONITORS THAT TCEQ ESTABLISHED IN THE SAN ANTONIO, TEXAS AREA PLUS TWO (2) ADDITIONAL MONITORS AND EXTENDING THE PERIOD FROM AUGUST 31 2005 THROUGH AUGUST 31, 2006; APPROVING THE EXECUTION OF THE TWO (2) CONTRACT AMENDMENTS WITH TCEQ; REVISING THE PROGRAM BUDGETS; AND REVISING THE PERSONNEL COMPLEMENTS.

* * * * *

WHEREAS, the City of San Antonio, through the San Antonio Metropolitan Health District (SAMHD), currently provides comprehensive public health services to protect the health of all residents within the jurisdiction of the SAMHD; and

WHEREAS, Ordinance Number 94645 passed and approved September 27, 2001, established SAMHD's Public Center for Environmental Health (PCEH) to address the environmental concerns of community residents and develop strategies for evaluating potential adverse health outcomes; and

WHEREAS, Ordinance Number 99602, passed and approved August 19, 2004, authorized the City of San Antonio to contract with the Texas Commission on Environmental Quality (TCEQ) through two (2) Interagency/Interlocal Category I Agreements to support the PCEH in the operation and maintenance of air monitors previously established in the San Antonio, Texas area along with the operation and maintenance of an additional three (3) PM 2.5 air monitors that TCEQ established in the San Antonio, Texas area for the period September 1, 2004 through August 31, 2005; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has now offered two (2) Interagency/Interlocal Category I Amendments as follows: one amendment provides an additional \$39,167.00 to support the PCEH in the operation and maintenance of air monitors previously established in the San Antonio, Texas area and extends the period from August 31, 2005 through December 31, 2005, and the second amendment provides an additional \$30,000.00 to continue the operation and maintenance of three (3) PM 2.5 air monitors plus two (2) additional monitors that TCEQ established in the San Antonio, Texas area and extends the period from August 31, 2005 through August 31, 2006; and

WHEREAS, it is now necessary to approve the acceptance and execution of the two (2) contract amendments with TCEQ, revise the program budgets, and revise the personnel complements; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Interim City Manager, or his designee, is authorized to accept Contract Number 582-5-55852, Contract Amendment Number 1, with TCEQ to provide an additional \$39,167.00 to support the PCEH in the operation and maintenance of air monitors in the San Antonio, Texas area and extend the period to December 31, 2005. The Interim City Manager, or his designee, is authorized to execute said contract amendment with TCEQ. A copy of Contract Number 582-5-55852, Contract Amendment Number 1, in substantially correct form, is attached hereto and incorporated herein for all purposes as Attachment III.

SECTION 2. The Interim City Manager, or his designee, is authorized to execute Contract Number 582-5-55885, Contract Amendment Number 1, with TCEQ to provide an additional \$30,000.00 to support the PCEH in the operation and maintenance of three (3) air monitors TCEQ established in the San Antonio, Texas area plus two (2) additional monitors. The Interim City Manager, or his designee, is authorized to execute said contract amendment with TCEQ. A copy of Contract Number 582-5-55885, Contract Amendment Number 1, in substantially correct form, is attached hereto and incorporated herein for all purposes as Attachment IV.

SECTION 3. SAP Fund No. 26008000 has been previously designated for use in accounting by activity for the fiscal transactions of these TCEQ programs. This fund is authorized for use in accordance with these TCEQ agreements.

SECTION 4. The aggregate sum of \$69,167.00 is hereby appropriated in the above-designated fund and the budgets set out in Attachment I and Attachment II are approved and adopted for entry on the City books.

SECTION 5. Payments received from TCEQ for Contract Number 582-5-55852, Amendment Number 1, San Antonio Air Monitoring, are to be deposited into the above-designated fund, Funds Center 3611230000, Cost Center 3611230001, Internal Order 136000000243, SAP GL Number 4501110.

SECTION 6. Payments received from TCEQ for Contract Number 582-5-55885, Amendment Number 1, PM 2.5 Monitoring in San Antonio, are to be deposited into the above-designated fund, Funds Center 3611240000, Cost Center 3611240001, Internal Order 136000000244, SAP GL Number 4501110.

SECTION 7. The eight (8) personnel positions set out in Attachment I are hereby authorized for Cost Center 3611230001, Internal Order 136000000243.

SECTION 8. The four (4) personnel positions set out in Attachment II are hereby authorized for Cost Center 3611240001, Internal Order 136000000244.

SECTION 9. The Director of Finance may, subject to concurrence by the Interim City Manager

or the Interim City Manager's designee, correct allocation to specific internal order numbers, account numbers and fund numbers as necessary to carry out the purpose of this ordinance.

SECTION 10. Should either of the two (2) contract amendments be in amounts other than those budgeted for, or should either of the two (2) contract amendments contain terms and conditions different than those currently existing, acceptance of these contract amendments, budgets and corresponding personnel complements will be subject to subsequent City Council ordinance.

SECTION 11. This ordinance shall be effective on and after the tenth day after passage hereof.

PASSED AND APPROVED this _____ day of June, 2005.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: _____

City Attorney

Attachment I
San Antonio Air Monitoring
Fund 26008000
Funds Center 3611230000
Budget for period: 09/01/04 - 12/31/05

<u>ESTIMATED REVENUES</u>	<u>SAP GL</u>	<u>PREVIOUS AMOUNT</u>	<u>ADD (DEDUCT)</u>	<u>REVISED AMOUNT</u>
TCEQ Contract Number 582-5-55852	4501110	\$ 235,000	0	235,000
TCEQ Amendment Number 1	4501110		39,167	39,167
		\$ 235,000	39,167	274,167

APPROPRIATIONS

San Antonio Air Monitoring 09/01/04 - 12/31/05
Activity: 36-11-23
Cost Center 3611230001
Internal Order 136000000243

Regular Salaries & Wages	5101010	\$ 102,126	12,760	114,886
Social Security	5103005	7,813	977	8,790
TMRS	5105010	11,614	1,752	13,366
Group Health Insurance	5405040	17,163	3,433	20,596
Life Insurance	5103010	185	25	210
Workers Compensation	5405020	0	0	0
Personal Leave Buy Back	5103035	2,000	0	2,000
Communications-Telephone	5403010	1,815	35	1,850
Cell Phone	5403040	3,000	(1,020)	1,980
Rental of Rolling Equipment	5407510	5,850	0	5,850
Education/Training	5201025	3,000	0	3,000
Mail & Parcel	5205010	0	200	200
Travel	5207010	3,500	0	3,500
Maintenance & Repair - Auto	5204020	1,000	500	1,500
Vehicle Management Fee	5404510	270	23	293
Membership Dues	5203050	225	350	575
Office Supplies	5302010	500	613	1,113
Motor Fuel & Lubricants	5403545	6,000	1,000	7,000
Clothing & Linen	5304005	0	1,800	1,800
Chemical, Medical & Drugs	5304040	1,000	0	1,000
Photographic Supplies	5304045	0	2,000	2,000
Tools, Apparatus & Accessories	5304050	4,000	0	4,000
Computer Software	5304075	6,500	0	6,500
Automatic Data Processing	5403520	0	900	900
Indirect Costs	5406530	10,214	3,756	13,970
Computer Equipment	5501000	6,000	1,500	7,500
Machinery & Equipment - Auto	5501050	40,725	9,063	49,788
Machinery & Equipment - Other	5709060	500	(500)	0
Furniture & Fixtures	5501065	0	0	0
Total		\$ 235,000	39,167	274,167

PERSONNEL COMPLEMENT

Activity: 36-11-23
Cost Center 3611230001
Internal Order 136000000243

<u>Class No.</u>	<u>Title</u>	<u>PREVIOUS POSITIONS</u>	<u>ADD (DEDUCT)</u>	<u>REVISED POSITIONS</u>
0041	Administrative Assistant (.25 FTE)	0	1	1
0202	Sanitarian II	2	0	2
0206	Health Program Manager (.25 FTE)	1	0	1
0865	Special Projects Officer (.25 FTE)	1	0	1
0870	Special Projects Coordinator (.25 FTE)	0	1	1
0873	Accountant I	1	0	1
0892	Fiscal Officer (.25 FTE)	0	1	1
	Total	5	3	8

Attachment II
San Antonio Air Monitoring - TCEQ 2004/2005
Fund 26008000
Funds Center 3611240000
Budget for period: 9/1/04 - 8/31/06

<u>ESTIMATED REVENUES</u>	<u>SAP GL</u>	<u>PREVIOUS AMOUNT</u>	<u>ADD (DEDUCT)</u>	<u>REVISED AMOUNT</u>
TCEQ Contract Number 582-5-55885	4501110	\$ 30,000	0	30,000
TCEQ Amendment Number 1	4501110		30,000	30,000
		\$ <u>30,000</u>	<u>30,000</u>	<u>60,000</u>

APPROPRIATIONS

PM 2.5 Monitoring in San Antonio

Activity: 36-11-24

09/01/04 - 08/31/06

Cost Center 3611240001

Internal Order 136000000244

Regular Salaries & Wages	5101010	\$ 20,868	17,432	38,300
Social Security	5103005	1,597	1,333	2,930
TMRS	5105010	2,390	2,065	4,455
Group Health Insurance	5405040	3,020	6,313	9,333
Life Insurance	5103010	38	31	69
Indirect Cost	5406530	2,087	2,826	4,913
Total		\$ <u>30,000</u>	<u>30,000</u>	<u>60,000</u>

PERSONNEL COMPLEMENT

Activity: 36-11-24

Cost Center 3611240001

Internal Order 136000000244

<u>Class No.</u>	<u>Title</u>	<u>CURRENT POSITIONS</u>	<u>ADD (DEDUCT)</u>	<u>REVISED POSITIONS</u>
0206	Health Program Manager (.25 FTE)	1	0	1
0865	Special Projects Officer (.25 FTE)	1	0	1
0870	Special Projects Coordinator (.25 FTE)	0	1	1
0252	Epidemiology Program Manager (.10 FTE)	0	1	1
	Total:	<u>2</u>	<u>0</u>	<u>4</u>

CONTRACT NUMBER 582-5-55852

CONTRACT AMENDMENT

STATE OF TEXAS §
COUNTY OF TRAVIS §

AMENDMENT NUMBER 1

The Texas Commission on Environmental Quality (TCEQ), and the City of San Antonio hereby agree to amend Contract No. 582-5-55852, as shown below. This amendment will extend the contract period, increase the contract amount and revise the Scope of Work.

1. TCEQ and the City of San Antonio agree that the total compensation possible under this contract is as follows:

The Original Contract Amount	\$ 235,000.00
<u>Contract Amendment No. 1</u>	<u>\$ 39,166.66</u>
The Total Contract Amount	\$ 274,166.66

2. Article 1 of the Agreement (relating to Scope of Work) is amended to reflect the following revisions:

Section B (displayed here in struck-out text) formerly read:

~~B. TCEQ Responsibilities~~

- ~~a. All computer hardware and software will be provided by the TCEQ to perform this service.~~
~~b. All necessary equipment will be provided by the TCEQ to perform this service.~~
~~c. All training and postage to perform this work will be provided by TCEQ~~

With this amendment, Section B of the Scope of Work now reads:

B. TCEQ Responsibilities

1. TCEQ staff will be responsible for:

- a. All necessary field equipment and major components to perform this service will be provided by the TCEQ.**
b. All training to perform this work will be provided by TCEQ and EPA.

Section C (displayed here in struck-out text) formerly read:

~~C. Contractor Responsibilities~~

- ~~1. The competent personnel~~
- ~~2. Cell phone or pager while personnel are providing service~~
- ~~3. Automobile to provide on-site service.~~
- ~~4. City shall collect air monitoring samples daily and deliver them to the Health District Laboratory by 11:00a.m. each day, seven (7) days a week.~~

With this amendment, Section C of the Scope of Work now reads:

C. Contractor Responsibilities

The contractor shall provide:

- 1. The competent personnel**
- 2. Cell phone or pager while personnel are providing service**
- 3. Automobile to provide on-site service.**
- 4. City will provide all minor and readily accessible components(e.g., fuses, wiring, wipes, gloves)**
- 5. City shall collect air monitoring samples daily and deliver them to the analytical lab by the requested lab's time each day, seven (7) days a week**

Section E (displayed here in struck-out text) formerly read:

~~E. Description of Deliverables~~

- ~~1. Whole Air Monitoring~~
 - ~~1.1 Operation, maintenance, Quality Assurance/Quality Control (QA/QC), data review as per the SOP's.~~
 - ~~1.2 Operation of sample management system including label making.~~

With this amendment, Section E of the Scope of Work now reads:

E. Description of Deliverables

1. Whole Air Monitoring

- 1.1 Operation, maintenance, Quality Assurance/Quality Control (QA/QC), data review as per the SOP's.**
- 1.2 Operation of sample management system including label making.**
- 1.3 Prepare and provide quarterly reports.**
- 1.4 Conduct and submit quarterly flowchecks.**

3. Article 4 of the Agreement (relating to Term of Contract) is amended to reflect the following revisions.

(Displayed here in struck-out text) formerly read:

~~This Contract shall begin on 9-1, 2004 or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 8-31, 2005, unless terminated early or extended in accordance with the terms of the Contract.~~

With this amendment, Article 4 now reads:

This Contract shall begin on 9-28, 2004, or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 12-31, 2005, unless terminated early or extended in accordance with the terms of the Contract.

All other conditions and requirements of Contract Number 582-5-55852 will remain unchanged.

RECEIVING AGENCY

PERFORMING PARTY

Texas Commission on Environmental Quality

City of San Antonio

By: _____

Authorized Signature

Mark R. Vickery, P.G.

Printed name

Deputy Executive Director

Title

Date: _____

Frances A. Gonzalez
Assistant City Manager

Date

ATTEST:

Leticia M. Vacek
City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda
Acting City Attorney

CONTRACT NUMBER 582-5-55885

CONTRACT AMENDMENT

STATE OF TEXAS §
COUNTY OF TRAVIS §

AMENDMENT NUMBER 1

The Texas Commission on Environmental Quality (TCEQ), and the City of San Antonio hereby agree to amend Contract No. 582-5-55885, as shown below. This amendment increases the total compensation possible under the contract in order that the City of San Antonio may continue to operate and maintain the PM2.5 Samplers located in San Antonio, Texas.

1. TCEQ and the City of San Antonio agree that the total compensation possible under this contract is increased as follows:

The Original Contract Amount	\$ 30,000.00
<u>Contract Amendment No. 1</u>	<u>\$ 30,000.00</u>
	\$ 60,000.00

2. ARTICLE 2. PRICING and PAYMENT

Payment for required Work performed under this Contract will continue to be based on the following fixed price(s):

Item	Est. Quantity	Unit Price	Total
Monitoring Activities (TEOM Operation)	3 Monitors	\$ 10,000.00	\$ 30,000.00
		\$	\$
		\$	\$
		\$	\$
		Total Annually \$	\$ 30,000.00

3. The Section titled "Term of Contract," see Article 4, on the page 1 of the Contract Agreement, is amended to extend the contract period. This item (displayed here in struck-out text) formerly read:

~~ARTICLE 4. TERM OF CONTRACT~~

~~This Contract shall begin on 9-1, 2004 or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 8-31, 2005, unless terminated early or extended in accordance with the terms of the Contract.~~

With this amendment, Article 4 of the Agreement now reads:

This Contract shall begin on 9-1, 2004 or date of last contract signature, whichever is later, and shall terminate on full performance, which is due on 8-31, 2006, unless terminated early or extended in accordance with the terms of the Contract.

All other conditions and requirements of Contract Number 582-5-55885 will remain unchanged.

RECEIVING AGENCY

Texas Commission on Environmental Quality

Steve Spaw, P.E.
Director, Monitoring Operations Division

Date

PERFORMING PARTY

City of San Antonio

Frances A. Gonzalez
Assistant City Manager

Date

ATTEST:

Leticia M. Vacek
City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda
Acting City Attorney