

TO: Larry D. Gilley, City Manager

City Council Meeting Date: January 9, 2014

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT:Written Resolution Authorizing Execution of Amendment No. 7 to the Professional Engineering
Services Agreement with Enprotec/Hibbs & Todd to Continue Permitting and Other Activities
Associated with the Regional Water Supply Project's Cedar Ridge Reservoir

GENERAL INFORMATION

On June 26, 2008, the City Council passed Resolution No. 24-2008 resolving that it is in the City's best interest to pursue securing the permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir.

On August 11, 2011 the City Council passed Resolution No. 14-2011 resolving that it is in the City's best interest to secure state and federal authorizations for the development of Cedar Ridge Reservoir, including applications to the Texas Commission on Environmental Quality (TCEQ) and the U.S. Army Corps of Engineers (Corps) for the proposed Cedar Ridge Reservoir. The Water Right application was filed with the TCEQ on August 17, 2011, and deemed administratively complete on October 23, 2012. The Clean Water Act §404 permit application is being coordinated with the Corps, with the selection of a third party contractor to develop the environmental impact statement anticipated to occur by the Summer of 2014.

Staff seeks to continue the work associated with permitting Cedar Ridge Reservoir. The next part of this work (Phase 2- 2014) involves continued work on the environmental studies that are intended to provide information necessary to support the filing of the applications for the Clean Water Act §401 certification and Clean Water Act §404 permit. Work also includes addressing issues associated with the Brazos Water Snake, finalizing the mitigation plan, and preparing for the third party contractor to perform an environmental impact statement.

FUNDING/FISCAL IMPACT

The proposed engineering services will be funded from the Water Department Water and Sewer Funds.

STAFF RECOMMENDATION

Staff recommends approval

ATTACHMENTS

Written Resolution

Prepared by:		Disposition by City Council
		□ Approved Ord/Res#
Name <u>Tommy O'Brien</u>		Denied
Title <u>Director of Water Utilities</u>	Item No. 6.3	□ Other
		City Secretary

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 7 TO A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO CONTINUE PERMITTING AND OTHER ACTIVITES ASSOCIATED WITH THE REGIONAL WATER SUPPLY PROJECT'S CEDAR RIDGE RESERVOIR.

WHEREAS, the City of Abilene, Texas (the "City") serves as a major water supplier for its citizens and for surrounding communities in and near Taylor and Jones Counties, Texas; and,

WHEREAS, the City projects that its water supply demands and those of this region of the state will continue to grow and may exceed available supplies in the future; and,

WHEREAS, the City desires to ensure that it has adequate water supplies to meet future demands and attract new business development to this region of the state; and,

WHEREAS, after extensive investigation and assessment by Enprotec/Hibbs & Todd, on June 26, 2008 the City Council passed a written resolution asserting that it is in the best interest of the City of Abilene to pursue securing permits, certification, and authorization necessary for the development of Cedar Ridge Reservoir ("Reservoir"); and

WHEREAS, on August 11, 2011 the City Council passed a written resolution authorizing and directing the preparation, execution, filing, prosecution and amending all applications to obtain the necessary water rights, certifications and permits under Chapter 11 of the Texas Water Code, §401 of the Clean Water Act, and §404 of the Clean Water Act; and

WHEREAS, in order to pursue construction of the Cedar Ridge Reservoir it is necessary for the City to apply to the Texas Commission on Environmental Quality ("TCEQ") and the U.S. Army Corps of Engineers (the "Corps") for a water right permit, a Clean Water Act §404 permit, a Clean Water Act §401 water quality certification, and to secure such other permits, authorizations, and certifications, as necessary; and

WHEREAS, the continued work associated with Amendment No. 7 (Phase 2 - 2014), for the Reservoir permitting process involves continuation of environmental work and coordination with federal and state regulatory agencies and landowners impacted by the Cedar Ridge Reservoir; and

WHEREAS, the work under this Amendment No. 7 (Phase 2 - 2014) is intended to provide information necessary to provide technical support in addressing issues presented by TCEQ and other state regulatory agencies; to provide technical support in addressing issues presented by the Corps; and to allow regulatory agency staff to review and assess the potential impacts of the proposed Cedar Ridge Reservoir on the natural resources of Texas;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: The City Manager or his designee is hereby authorized to execute Amendment No. 7 to the Professional Services Agreement with Enprotec/Hibbs & Todd in an amount not to exceed \$1,648,000 for the purpose of continuing the work associated with Cedar Ridge Reservoir including: (1) addressing issues presented by TCEQ and other state regulatory agencies related to the water rights permit application; (2) addressing issues presented by federal and state agencies related to the applications for the necessary \$401 water quality certification and the \$404 Permit; (3) any other work associated with filing and securing the appropriate permits from TCEQ and the Corps for the Cedar Ridge Reservoir project; and (4) coordination with landowners within the project area of Cedar Ridge Reservoir, as necessary.

PART 2: The City Manager or his designee shall periodically provide updates to the City Council regarding the status of Amendment No. 7 (Phase 2 - 2014), as well as any other matters related to the permits, filing of the applications, certifications and authorizations, as well as any subsequent consultant reports or studies, challenges or disputes arising out of such application processes, or other matters related to the filling and permitting process that may require City Council authorization.

ADOPTED this _____ day of _____, 2014.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

T. Daniel Santee II, City Attorney