City Council Agenda Memo



City Council

Meeting Date: December 4, 2014

TO: David Vela, Interim City Manager

FROM: Tommy O'Brien, Director of Water Utilities

SUBJECT: Written resolution requesting that the Brazos G Regional Water Planning Group and the

Texas Water Development Board designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan

and the 2017 State Water Plan.

GENERAL INFORMATION

The City is located in the Brazos G Regional Water Planning area. The Brazos G Regional Water Planning Group is currently developing its 2016 Brazos G Regional Water Plan, which will become part of the 2017 State Water Plan, to be adopted by the Texas Water Development Board ("TWDB").

Pursuant to previous Brazos G Regional Water Plans and the State Water Plans, the Cedar Ridge Reservoir is the City's and the region's recommended water management strategy for meeting future water needs. The City has begun activities to acquire the necessary permits to allow the construction of the Cedar Ridge Reservoir, to be located on the Clear Fork Brazos River downstream of the City's existing Fort Phantom Hill Reservoir, to meet this additional need.

The 2007 State Water Plan designates the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir. In 2007, the Texas Legislature adopted Senate Bill 3, creating, in part, Texas Water Code § 16.051(g-1) and designating, by reference to the 2007 State Water Plan, the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir. This designation is significant as it prevents state agencies or political subdivisions of the state from obtaining a property interest at sites designated as unique for the construction of a reservoir if such interest would "significantly prevent" the construction of a reservoir. The 2011 Brazos G Regional Water Plan and 2012 State Water Plan identified Cedar Ridge Reservoir as having unique value for the construction of a reservoir. Thus, the proposed resolution seeks to request that the Brazos G Regional Water Planning Group and TWDB designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

The unique reservoir site designation for the Cedar Ridge Reservoir Site included in Senate Bill 3 and the 2007 and 2012 State Water Plans represents good public policy by preserving, to an important extent, the ability of the City to pursue the permitting and construction of the Cedar Ridge Reservoir to meet future water needs. This policy should be reflected in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

STAFF RECOMMENDATION

The Staff is requesting that through a written resolution, that the City Council request that the Brazos G Regional Water Planning Group and the Texas Water Development Board designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

ATTACHMENTS

Written Resolution

Prepared by:		Disposition by City Council	
		□ Approved Ord/Res#	
Name Tommy O'Brien		□ Denied	
Title Director of Water Utilities	. 7.6	□ Other	
	Item No		
		City Secretary	

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS REQUESTING THAT THE BRAZOS G REGIONAL WATER PLANNING GROUP AND THE TEXAS WATER DEVELOPMENT BOARD DESIGNATE THE CEDAR RIDGE RESERVOIR SITE AS A SITE OF UNIQUE VALUE FOR THE CONSTRUCTION OF A RESERVOIR IN THE 2016 BRAZOS G REGIONAL WATER PLAN AND THE 2017 STATE WATER PLAN.

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

WHEREAS, the City is located in the Brazos G Regional Water Planning area; and,

WHEREAS, pursuant to the approved 2011 Brazos G Regional Water Plan and the 2012 State Water Plan, the City is projected to need additional water supplies before 2060; and

WHEREAS, the Cedar Ridge Reservoir, which is proposed to be located on the Clear Fork Brazos River downstream of the City's existing Fort Phantom Hill Reservoir (the "Cedar Ridge Reservoir Site"), is identified in the 2006 and 2011 Brazos G Regional Water Plans and the 2007 and 2012 State Water Plans, adopted by the Texas Water Development Board ("TWDB"), as a recommended water management strategy for the City and this region of the state; and

WHEREAS, the 2007 State Water Plan designates the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir pursuant to Texas Water Code § 16.051(e); and

WHEREAS, the Texas Legislature adopted Senate Bill 3 during the 2007 Legislative Session, which created, in part, Texas Water Code § 16.051(g-1) and designated the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir; and

WHEREAS, the 2011 Brazos G Regional Water Plan identified Cedar Ridge Reservoir as having unique value for the construction of a reservoir; and

WHEREAS, the Brazos G Regional Water Planning Group is currently evaluating and preparing the 2016 Brazos G Regional Water Plan; and,

WHEREAS, the 2016 Brazos G Regional Water Plan will be part of the 2017 State Water Plan, to be adopted by the TWDB; and,

WHEREAS, the City believes that the unique reservoir site designation for the Cedar Ridge Reservoir Site included in Senate Bill 3 and the 2007 State Water Plan, and the 2011 Brazos G Regional Water Plan and the 2012 State Water Plan, represents good

public policy by preserving, to an important extent, the ability of the City to pursue the permitting and construction of the Cedar Ridge Reservoir to meet future water needs; and

WHEREAS, the City desires to have the Cedar Ridge Reservoir Site designated as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.

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

- PART 1: The City hereby formally issues its support for designating the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.
- PART 2: The City hereby requests that the Brazos G Regional Water Planning Group and the TWDB designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.
- PART 3: The Interim City Manager or his designee is hereby authorized and directed to take action necessary to request that the Brazos G Regional Water Planning Group and the TWDB designate the Cedar Ridge Reservoir Site as a site of unique value for the construction of a reservoir in the 2016 Brazos G Regional Water Plan and the 2017 State Water Plan.
- PART 4: A certified copy of this resolution shall be provided to the Brazos G Regional Water Planning Group, TWDB, and to all persons interested in the subject matter hereof.

ADOPTED AND EFFECTIVE this	day of	, A.D., 2014.
ATTEST:		
Danette Dunlap City Secretary		
Norm Archibald Mayor		
APPROVED:		
T. Daniel Santee		

City Attorney