

**RESOLUTION NO. 5-2011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD TO CONTINUE PERMITTING AND OTHER ACTIVITIES 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 that 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**, 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") for a water rights permit, water quality certification and other authorizations as necessary, and to apply to the U.S. Army Corps of Engineers (the "Corps") for a Clean Water Act § 404 permit, and to secure such permits, authorizations, and certifications; and

**WHEREAS**, the continued work under this Amendment No. 5 (Phase 2 - 2011), 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. 5 (Phase 2 - 2011) is intended to provide information necessary to provide technical support in addressing issues presented by TCEQ and other state regulatory agencies related to the water rights permit application; to support the Corps § 404 permit application; and to allow regulatory agency staff to review and assess the potential impact of the proposed Cedar Ridge Reservoir on the natural resources of Texas;

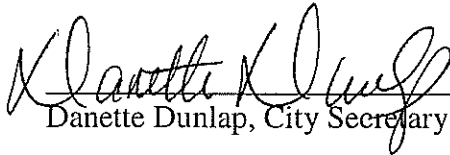
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**


PART 1: The City Manager or his designee is hereby authorized to execute Amendment No. 5 to the Professional Services Agreement with Enprotec/Hibbs & Todd in an amount not to exceed \$2,697,000 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) preparation and filing of the applications for the necessary water quality certification, and the Section 404 Permit; and (3) any other work associated with filing and securing the appropriate permits from TCEQ and the Corps for Cedar Ridge Reservoir.

PART 2: The City Manager or his designee shall periodically provide updates to the City Council regarding the status of Amendment No. 5 (Phase 2 - 2011), 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.

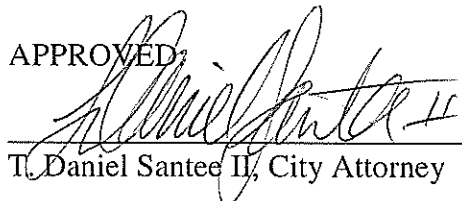
ADOPTED this 24th day of March, 2011.

ATTEST:

  
\_\_\_\_\_  
Danette Dunlap, City Secretary

  
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Norman Archibald, Mayor

APPROVED:

  
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T. Daniel Santee II, City Attorney