

~ Brazos G ~
Contract #0704830692
with the
City of Waco &
City of Sweetwater
(Phase I – SB 1)
****CASH MATCH****



CITY OF WACO

City Manager's Office

Post Office Box 2570

Waco, Texas 76702-2570

254 / 750-5640

Fax: 254 / 750-5880

www.waco-texas.com

September 26, 2006

Dr. Scott Mack, Chairman
Brazos G Regional Water Planning Group
c/o Teresa Clark, Brazos River Authority
P.O. Box 7555
Waco, Texas 76714-7555

Re: City of Waco Funding Support for the 2011 Brazos G Regional Water Plan

Dear Dr. Mack:

The City of Waco appreciates the interest and commitment that the Brazos G Regional Water Planning Group has demonstrated toward the future water supply needs of the McLennan County area. In the 2006 Plan, the City of Waco is highlighted as a major regional water supplier in our area, and is identified as supplying water to 17 other municipal water user groups, as well as County-Other, Steam-Electric, and Manufacturing demands. The future demands of Waco and these other water users are projected to exceed Waco's current water supplies prior to Year 2050. The 2006 Plan identifies reuse as the primary water management strategy to meet Waco's projected shortages.

While it is reasonable to assume that reuse will supply a substantial portion of future needs, particularly those associated with steam-electric and manufacturing demands, alternative strategies need to be identified to meet the needs of municipal water users in McLennan County. This will address the concerns of those water users who may desire to identify sources alternative to Waco, and also to prolong Waco's existing supplies.

The City of Waco supports the Group's priority funding item Task No. 5, "Refine Water Management Strategies for Johnson and McLennan County Areas" and intends to provide \$20,000 in funds for that study item. We are prepared to enter into a funding agreement with the Brazos River Authority on behalf of the Brazos G Regional Water Planning Group in order to provide those funds. Please consider this letter as a commitment from the City of Waco to provide those funds to the regional water planning process.

Again, we thank the Brazos G Regional Water Planning Group for its efforts and fully support the activities of the group.

Sincerely,

Larry D. Groth, P.E.
City Manager

mp

Cc: Brazos G Members
David Meesey, Texas Water Development Board
Kevin Kluge, Texas Water Development Board
Teresa Clark, Brazos River Authority
David Dunn, HDR

City of Waco

Staff Summary Sheet ID 797

To	Action	Release
John Hawes <i>JH</i> 7/19/07	APR	Pending
Legal <i>RES</i> 7/19/07	APR	Pending
GM/CEO <i>JH</i>	APR	Pending
Teresa Clark <i>TC</i> 7/26/07	COORD	Pending

Subject: Brazos G Grant contracts for two cities cash match		Date: 7/18/2007	
Responsible Person: Teresa Clark <i>TC</i>	Dept: Tech Services - Water Services	Phone: 761-3177	Suspense Date: 7/20/2007

Summary:
The TWDB/BRA contract for the 1st phase of the 2011 Brazos G planning cycle includes a cash match from two cities...Waco and Sweetwater. I have spoken to each of the cities and they are on board with how the funds will be processed. These contracts will need to be signed prior to HDR starting their work.

Views of Others:

Comments:

Person	Comment
John Hawes	Please note need to correct amount in Waco contract. Otherwise OK. <i>JH</i> 7/19/07
Legal	Corrected. RES 7-19-07 attached Original - Sweetwater SCANNED to PDF Date: 7/30/07 Initials: <i>TC</i>
GM/CEO	Teresa Clark Original Sent To - Sweetwater CENTRAL FILES Date: 7/30/07 <i>TC</i>
Teresa Clark	Phil, Please sign both originals & return to me. Thanks, <i>Teresa</i>

Waco-8/9/07

Waco-8/9/07

Options:

Recommendations:
Have GM/CEO review and approve the draft contract language for both contracts prior to sending them to each city for their subsequent review. Once everyone agrees, the final contracts will be sent to the GM/CEO for his signature and back to the cities.

Signature:

Sign Name: Phil Ford
 Tabs: No tabs entered #1 - City of Waco contract
 #2 - - - Sweetwater contract

LEGAL DEPARTMENT
 JUL 19 2007
 FROM: *michael*

BRAZOS G REGIONAL WATER PLAN MATCHING FUNDS AGREEMENT

This Brazos G Regional Water Plan Matching Funds Agreement ("Agreement") is entered into by and between the Brazos River Authority ("Authority"), a river authority of the State of Texas, and the City of Waco ("City").

Recitals

WHEREAS, the Brazos G Water Planning Group ("Brazos G") designated Authority as Brazos G's Administrative Agent and political subdivision to enter into contracts and receive funding on behalf of Brazos G; and

WHEREAS, Authority entered into a contract with the Texas Water Development Board ("TWDB") with an effective date of May 17, 2007 under which TWDB shall reimburse Authority for costs associated with implementing Brazos G's Regional Water Plan ("Plan"); and

WHEREAS, Brazos G selected HDR Engineering, Inc. ("HDR") as Brazos G's engineering consultant and Authority entered into a contract with HDR with an effective date of July 23, 2007 ("HDR Contract"), under which HDR shall implement the Plan; and

WHEREAS, TWDB has limited funds available and is more likely to provide funding for studies receiving matching funds; and

WHEREAS, City is located within the Brazos G regional water planning area and benefits from implementation of the Plan; and

WHEREAS, City agreed to contribute up to twenty thousand dollars (\$20,000) ("Funds") toward "Study 5" of the Plan which is of special interest and potential benefit to City; and

WHEREAS, TWDB has agreed to contribute up to six thousand three hundred dollars (\$6,300) for Study 5 on a pro-rata basis of the proportion of costs between the Funds and the TWDB funding as set forth in Exhibit "A", attached hereto and incorporated by reference herein.

NOW, THEREFORE, Authority and City agree as follows:

Section I. Payment

1.1 City shall pay a pro-rata share of the costs associated with Study 5 under the Plan based on the proportion of costs between City and TWDB as set forth in Exhibit "A". City's total contribution to costs associated with Study 5 shall not exceed twenty thousand dollars (\$20,000) unless otherwise agreed to by City.

1.2 On or before the 31 day of August, 2007, City shall deliver to Authority twenty thousand dollars (\$20,000) ("Funds") which Authority shall deposit into an interest bearing account.

1.3 Authority shall apply the Funds toward City's pro-rata share of each payment made by Authority to HDR under the HDR Contract for costs associated with Study 5.

1.4 Authority shall only use the Funds toward costs associated with Study 5 and may not use any of the Funds for any other purpose or in any other way without the prior written consent of City.

Section II. Release of Funds

2.1 Upon completion or termination of Study 5 and final payment by Authority to HDR for all services associated with Study 5 (including any withheld retainage), Authority shall, within thirty (30) days, return to City all remaining Funds together with any accrued interest.

Section III. Records

3.1 Authority shall maintain records of all Fund withdrawals and payments to HDR for costs associated with Study 5 in accordance with Authority record retention policies and shall make such records available to City upon request.

Section IV. Liability

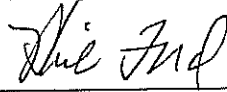
4.1 City and Authority agree that as Authority is merely the Administrative Agent and political subdivision through which Brazos G enters into contracts and obtains funding, Authority shall not be liable for and makes no representations, express, implied or otherwise as to the quality, quantity, or utility of the work to be performed by HDR and/or any data, plan, or other information gathered or developed under Study 5 or the HDR Contract in general. City agrees, understands, and accepts that the results of Study 5 may or may not be beneficial to City.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed, intending to be bound thereby on this the 9 day of August, 2007.

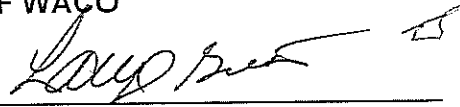
BRAZOS RIVER AUTHORITY

CITY OF WACO

By:



By:



PHILLIP FORD

Title:

GENERAL MANAGER/CEO

Title:

City Manager

Date:

09 Aug 07

Date:

Staff Summary Sheet ID 797

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GM/CEO <i>JH</i>	APR	Pending
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Date: 7/18/2007

Responsible Person: Teresa Clark *TC*
Dept: Tech Services - Water Services
Phone: 761-3177
Suspense Date: 7/20/2007

Summary:
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_GM/CEO	
Teresa Clark	

Options:

Recommendations:
 Have GM/CEO review and approve the draft contract language for both contracts prior to sending them to each city for their subsequent review. Once everyone agrees, the final contracts will be sent to the GM/CEO for his signature and back to the cities.

Signature:

Sign Name: Phil Ford

Tabs: ~~No tabs entered~~ #1 - City of Waco contract
 #2 - - - Sweetwater contract

LEGAL DEPARTMENT
 JUL 19 2007
 FROM: *m.chala*

July 24, 2007

Enclosed is the agreement from the City of Sweetwater. Please sign both copies and retain one for your files and mail the other copy to the City of Sweetwater, P. O. Box 450, Sweetwater, TX 79556 - Attention: Edward Brown. A check for \$27,300 will be mailed later this week. Thank you for your attention in this matter.

Sincerely,
Connie Reed
Executive Secretary

Enclosures

BRAZOS G REGIONAL WATER PLAN MATCHING FUNDS AGREEMENT

This Brazos G Regional Water Plan Matching Funds Agreement ("Agreement") is entered into by and between the Brazos River Authority ("Authority"), a river authority of the State of Texas, and the City of Sweetwater ("City").

Recitals

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WHEREAS, Authority entered into a contract with the Texas Water Development Board ("TWDB") with an effective date of May 17, 2007 under which TWDB shall reimburse Authority for costs associated with implementing Brazos G's Regional Water Plan ("Plan"); and

WHEREAS, Brazos G selected HDR Engineering, Inc. ("HDR") as Brazos G's engineering consultant and Authority entered into a contract with HDR with an effective date of July 23, 2007 ("HDR Contract"), under which HDR shall implement the Plan; and

WHEREAS, TWDB has limited funds available and is more likely to provide funding for studies receiving matching funds; and

WHEREAS, City is located within the Brazos G regional water planning area and benefits from implementation of the Plan; and

WHEREAS, City agreed to contribute up to twenty-seven thousand three hundred dollars (\$27,300) ("Funds") toward "Study 2" of the Plan which is of special interest and potential benefit to City; and

WHEREAS, TWDB has agreed to contribute up to seventy-eight thousand two hundred dollars (\$78,200) for Study 2 on a pro-rata basis of the proportion of costs between the Funds and the TWDB funding as set forth in Exhibit "A", attached hereto and incorporated by reference herein.

NOW, THEREFORE, Authority and City agree as follows:

Section I. Payment

1.1 City shall pay a pro-rata share of the costs associated with Study 2 under the Plan based on the proportion of costs between City and TWDB as set forth in Exhibit "A". City's total contribution to costs associated with Study 2 shall not exceed twenty-seven thousand three hundred dollars (\$27,300) unless otherwise agreed to by City.

1.2 On or before the 15th day of August, 2007, City shall deliver to Authority twenty-seven thousand three hundred dollars (\$27,300) ("Funds") which Authority shall deposit into an interest bearing account.

1.3 Authority shall apply the Funds toward City's pro-rata share of each payment made by Authority to HDR under the HDR Contract for costs associated with Study 2.

1.4 Authority shall only use the Funds toward costs associated with Study 2 and may not use any of the Funds for any other purpose or in any other way without the prior written consent of City.

Section II. Release of Funds

2.1 Upon completion or termination of Study 2 and final payment by Authority to HDR for all services associated with Study 2 (including any withheld retainage), Authority shall, within thirty (30) days, return to City all remaining Funds together with any accrued interest.

Section III. Records

3.1 Authority shall maintain records of all Fund withdrawals and payments to HDR for costs associated with Study 2 in accordance with Authority record retention policies and shall make such records available to City upon request.

Section IV. Liability

4.1 City and Authority agree that as Authority is merely the Administrative Agent and political subdivision through which Brazos G enters into contracts and obtains funding, Authority shall not be liable for and makes no representations, express, implied or otherwise as to the quality, quantity, or utility of the work to be performed by HDR and/or any data, plan, or other information gathered or developed under Study 2 or the HDR Contract in general. City agrees, understands, and accepts that the results of Study 2 may or may not be beneficial to City.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed, intending to be bound thereby on this the 24th day of JULY, 2007.


BRAZOS RIVER AUTHORITY

By: 
PHILLIP FORD

Title: **GENERAL MANAGER/CEO**

Date: 27 July 2007

CITY OF SWEETWATER

By: 

Title: CITY MANAGER

Date: JULY 24, 2007

DATE	I.D.	PO #	DESCRIPTION	AMOUNT
26/2007	20070726		BRAZOS RIVER AUTHORITY BRAZOS G REGIONAL WATER PLAN MATCHING FUNDS	27,300.00

STUB TOTAL 27,300.00

PLEASE DETACH STUB BEFORE DEPOSITING

VEND: 0820 CHECK TOTAL 27,300.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CITY OF SWEETWATER

POOLED CASH FUND
P.O. BOX 450
SWEETWATER, TEXAS 79556
(325) 236-6313

FIRST NATIONAL BANK
SWEETWATER, TEXAS

028588

	IDENTIFICATION NUMBER	DATE	CHECK NUMBER	NET AMOUNT
BANK: FNB	VEND: 0820	7/27/2007	28588	27,300.00

-- TWENTY SEVEN THOUSAND THREE HUNDRED & 00/100 DOLLARS VOID IF NOT PRESENTED FOR PAYMENT WITHIN 60 DAYS

PAY TO THE ORDER OF
BRAZOS RIVER AUTHORITY
ATTN TERESA CLARK
P O BOX 7555
WACO, TX 76714-7555

Jeanne M O'Hara
Kate O'Hara

⑈028588⑈ ⑆111322570⑆ ⑈017 714 8⑈01

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

received 7/30/07
Je



City of Sweetwater

All America

200 EAST FOURTH ST. • BOX 450 • SWEETWATER, TEXAS 79556 • 325-236-6313

September 12, 2006

Teresa Clark
Brazos G Regional Water Planning Group
4600 Cobbs Drive
Waco, TX 76710

Dear Ms. Clark:

On September 12, 2006 the City Commission of Sweetwater, Texas unanimously passed a Resolution to contribute \$27,300.00 to the Brazos G Water Planning Process in order to enhance the study of groundwater availability in the Nolan County area.

A copy of the resolution is enclosed for inclusion in the grant package for Texas Water Development Board Review.

If you need additional information, please advise.

Sincerely,

EDWARD P. BROWN
CITY MANAGER

EPB/cmr



RESOLUTION

A RESOLUTION OF THE CITY OF SWEETWATER, TEXAS, NOTIFYING THE BRAZOS G REGIONAL WATER PLANNING GROUP AND THE TEXAS WATER DEVELOPMENT BOARD OF THE CITY'S INTENT TO CONTRIBUTE FUNDS TO BE USED BY THE PLANNING GROUP TO REFINE WATER SUPPLY ANALYSES AND OPTIONS FOR THE CITY IN THE 2011 BRAZOS G REGIONAL WATER PLAN

WHEREAS, the City of Sweetwater recognizes the value of the regional water planning efforts conducted by the Brazos G Regional Water Planning Group and the Texas Water Development Board; and

WHEREAS, the City of Sweetwater and the Nolan County area are experiencing a drought that appears to be worse than other droughts previously recorded; and

WHEREAS, the City of Sweetwater is currently dependent upon groundwater supplies provided by a project commonly referred to as the "Champion Well Field"; and

WHEREAS, recent groundwater declines experienced in the area are greater than declines projected during previous studies; and

WHEREAS, the Brazos G Regional Water Planning Group intends to request planning grant funds from the Texas Water Development Board to refine estimates of groundwater availability in the Nolan County area, and has established this item as its second highest ranked priority of eleven study items for which funding will be requested; and

WHEREAS, the City of Sweetwater supports this study element and desires to participate and contribute to the regional water planning process; and

WHEREAS, the City of Sweetwater recognizes that by contributing financially to the regional planning process that more information of a greater value will be developed upon which to base the water planning efforts of Sweetwater, its customers in the Nolan County area, and the Brazos G Regional Water Planning Group;

WHEREAS, the City of Sweetwater had planned a similar evaluation and recognizes that contributing to the regional water planning process in this way will eliminate duplicative efforts of the planning group and the City;

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SWEETWATER, TEXAS:

PART 1: That the City Commission will contribute funds up to \$27,300.00 to the Brazos G Regional Water Planning Process in order to enhance the study of groundwater availability in the Nolan County area.

PART 2: That the City Commission authorizes the City Manager to enter into an agreement with the Brazos River Authority (the administrative agent for the Brazos G Regional Water Planning Group) to provide these funds to be used for the study purposes for which they are intended.

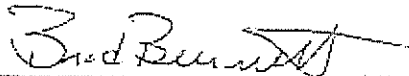
PART 3: That the City Commission requires that any unused funds contributed by the City be returned to the City.

ADOPTED this 12th day of September, 2006



DAVID WELCH, MAYOR

Attest:



BRAD BURNETT, CITY SECRETARY