

# CITY OF WILLOW PARK

ORDINANCE NO. 545-05

## **AN ORDINANCE PROVIDING FOR A REVIEW AND AMENDMENT OF WATER RATES AS CHARGED BY THE MUNICIPAL UTILITY TO PROVIDE JUST AND ADEQUATE RATES FOR OPERATION AND DEBT; PROVIDING FOR UNIFORM STANDARDS, RULES AND REGULATIONS FOR ALL MUNICIPAL UTILITY CUSTOMERS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Willow Park, is a municipal corporation duly and legally formed in the State of Texas; and

**WHEREAS**, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

**WHEREAS**, the City is a municipality that provides potable water service and sewer service through a municipal utility, owned, operated and controlled by the municipality for the benefit of residents and customers proximate to the City; and

**WHEREAS**, the City does possess a Certificate of Public Convenience and Necessity (CNN) to furnish water and wastewater service issued by the Texas Commission of Environmental Quality, to wit: CCN Nos. 11814 and 20773, respectively in Parker County, Texas; and

**WHEREAS**, the City desires to create, provide and maintain both waterworks and wastewater facilities that are safe, adequate and sufficient for the provision of said services; and

**WHEREAS**, the City may ascertain and fix just and reasonable standards, classifications, regulations, service rules, service standards and practices to be observed in the furnishing of water and wastewater services; and

**WHEREAS**, the City acknowledges and recognizes that the provision of adequate, efficient and safe water and wastewater services to those inside and outside the corporate boundaries of the City are dependent upon adequacy of supply and age of delivery system and facilities, capacity of the system, pressure within the system, remoteness of the customer and other objective and physical differences; and

**WHEREAS**, the City has made a careful and diligent study, analysis and consideration of rates, charges, expenses incurred, investments made and contemplated, a rate of return to permit capital

improvement, including allocation of revenue for debt service, maintenance and operations and other and necessary and appropriate improvements to the capacity, storage, transmission, delivery, or treatment; and

**WHEREAS**, the City did acquire through condemnation all real property and personalty, including all assets of Deer Creek Waterworks, Inc. in *City of Willow Park v. Deer Creek Waterworks, Inc.*; CV-05-1671, County Court at Law, Parker County, Texas by compromise of and settlement of said litigation. The terms of the settlement, are set forth in that certain "*Addendum to the Agreement of Purchase and Sale of Public Water and Sewer Utility in Parker County Due to Condemnation*" executed August 17, 2005, between the City and Deer Creek Waterworks, Inc. and Doyle Hanley; and

**WHEREAS**, the application of the City to transfer Deer Creek CCN Nos. 12027 and 20849, Parker County, Texas to the City is pending before the Texas Commission on Environmental Quality in Sale, Transfer and Merger (STM) Application No. 34868-S and 34569-S, including a separate application to transfer Deer Creek Water Quality Permit No. WQ0013759001 to the City; and

**WHEREAS**, the application to transfer all real property and personalty related to the acquisition of Dyegard Water Company, Inc., to the City including transfer of CCN No. 12747, as identified in Application No. 34749-S, was approved by the Commission; and

**WHEREAS**, the City now owns, operates, or manages potable or wastewater utility services in and for Certificate of Convenience and Necessity No. 11814, 20773, 12027, 20849, and 12747.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS THAT:**

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. APPLICATION

The provisions of this Ordinance shall apply to all persons, customers, and property served by or with the City of Willow Park waterworks, or wastewater works, wherever situated.

SECTION 3. AMENDMENT

Appendix A "Fee Schedule" Willow Park, Code of Municipal Ordinances, Article 15.000 "Rate Schedule for Water Service" is amended as follows:

A. Article 15.000 "RATE SCHEDULE FOR WATER SERVICE" Subparagraph (b)(2) is amended, as follows:

(b) (2) (i) ~~Inside City Residential~~ Minimum Monthly Bill:

5/8" meter	<del>\$33.00</del>	<u>\$36.50</u> /monthly
3/4" meter	<del>\$51.00</del>	<u>\$56.41</u> /monthly
1" meter	<del>\$69.00</del>	<u>\$76.32</u> /monthly
1 1/2" meter	<del>\$98.00</del>	<u>\$108.39</u> /monthly
2" meter	<del>\$175.00</del>	<u>\$193.56</u> /monthly
4" meter	<del>\$402.00</del>	<u>\$444.64</u> /monthly
6" meter	<del>\$578.00</del>	<u>\$636.30</u> /monthly
8" meter	<del>\$810.00</del>	<u>\$895.91</u> /monthly

(b)(2)(ii) Commercial Minimum Monthly Bill

<u>5/8" meter</u>	<u>\$36.50</u> /monthly
<u>3/4" meter</u>	<u>\$56.41</u> /monthly
<u>1" meter</u>	<u>\$76.32</u> /monthly
<u>1 1/2" meter</u>	<u>\$108.39</u> /monthly
<u>2" meter</u>	<u>\$193.56</u> /monthly
<u>4" meter</u>	<u>\$444.64</u> /monthly
<u>6" meter</u>	<u>\$636.30</u> /monthly
<u>8" meter</u>	<u>\$895.91</u> /monthly

B. Article 15.000 "RATE SCHEDULE FOR WATER SERVICE" Subparagraph (b)(4) is amended by repealing subparagraph (b)(4) and substituting as follows:

(b) (4) Residential volume Charge per 1,000 gallons:

(i) Residential

0 - 7,500 gallons	\$3.05
7,501 - 15,000 gallons	\$3.40
15,001 - 20,000 gallons	\$3.70
20,001 - 25,000 gallons	\$4.30
25,001 - 30,000 gallons	\$4.90
30,001 - 35,000 gallons	\$5.50
35,001 - 40,000 gallons	\$6.15
40,001 - 45,000 gallons	\$6.75
45,001 - 50,000 gallons	\$7.35
50,001 - 75,000 gallons	\$8.60
75,001 - over gallons	\$12.25

C. Article 15.000 "RATE SCHEDULE FOR WATER SERVICE" Subparagraph (c) "Rates Outside the City" is repealed in its entirety.

D. Article 15.000 "RATE SCHEDULE FOR WATER SERVICE" Subparagraph (d)(2) "Commercial Wastewater Rates" is amended by repealing subparagraph (d)(2) and substituting as follows:

(ii) Commercial Volume Charge per 1,000 Gallons

0 - 25,000 gallons	\$3.00
25,001 - 50,000 gallons	\$4.00
50,001 - and over gallons	\$5.00

SECTION 4. FINDING

The governing body of the City of Willow Park does hereby, after due and deliberate consideration, find that the rates established herein are fair, just and reasonable both to the utility consumer and to provide for adequate and efficient expansion, improvement, maintenance, debt service, and operations of the utility services.

SECTION 5. NOTICE

The Mayor, or Designee, is hereby directed within 30 days after the date of this final decision on the rate change, to provide written notice to each rate payer of the municipal utility, that includes: (i) the effective date of the new rates; (ii) the new rates; and (iii) the location where additional information on rates can be obtained.

SECTION 6. RATE CHANGE

The effective date of the new rates will be the first day of the billing period, next occurring after the adoption of this Ordinance. The new rates may not apply to service received before the effective date of the new rates.

SECTION 7. STANDARDS OF SERVICE

The standards, classifications, regulations, service rules, service standards or practices to be observed, as adopted by the City pursuant to Chapter 11 "Public Utilities" of the Municipal Code of Ordinances or by separate ordinance, rule or regulation for the Municipal Waterworks or Wastewater system shall be applied to the provision of utility service previously served by Dyegard Water Company, Inc. and Deer Creek Waterworks, Inc., CCNs 12027, 20849 and 12747 respectively. The standards, classification, regulations, service rules, minimum service standards, and practices formerly governing the provision of utility service by Dyegard Water Company, Inc. and Deer Creek Waterworks, Inc. are hereby repealed.

SECTION 8. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 9. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate. The Willow Park City Council in acting on Ordinance No. 544-05, did on the 20<sup>th</sup> day of September, 2005 vote as follows:

held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND APPROVED this 20<sup>th</sup> day of September, 2005.

*James H. Poythress*  
\_\_\_\_\_  
Mayor

ATTEST:

*Condie J. Scott*  
\_\_\_\_\_  
City Secretary/Clerk

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
City Attorney

James H. Poythress, Mayor

<u>FOR</u>	<u>AGAINST</u>
_____	_____
✓ _____	_____

LaDonna Allen, Place 1

Rob Welch, Place 2

Brad Johnson, Place 3

Jason Ellerbusch, Place 4

Marvin Glasgow, Place 5