

CITY OF WILLOW PARK

RESOLUTION NO. 07-10

A RESOLUTION AUTHORIZING THE CITY OF WILLOW PARK TO ENTER INTO THAT CERTAIN INTERLOCAL COOPERATION AGREEMENT WITH THE TRINITY RIVER AUTHORITY OF TEXAS RELATING TO THE PREPARATION OF A WASTEWATER STUDY OR TECHNICAL MEMORANDUM ANALYZING CERTAIN WASTEWATER NEEDS AND SUGGESTED ALTERNATIVES FOR EASTERN PARKER COUNTY, TEXAS; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, Texas (City) is a general law municipality located in Parker County, created in accordance with the Laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the municipal offices of the City perform certain functions related to the preservation of health, safety and general welfare of its citizens; and

WHEREAS, the City based on anticipated development and demographic projections forecasts a need for additional wastewater treatment capacity for areas within its extraterritorial jurisdiction or reasonably adjacent thereto; and

WHEREAS, the provision of additional wastewater treatment capacity is a governmental function that the cities of Aledo, Annetta, Annetta North, Annetta South, Hudson Oaks and Willow Park have a mutual interest in providing and planning for; and

WHEREAS, the Trinity River Authority ("TRA") has agreed to contract for and oversee a professional engineering study to analyze current capacity, future needs and potential alternative locations and to maximize existing wastewater treatment plant utilization ("Contract") for certain cities pursuant to an Interlocal Cooperation Agreement ("Agreement"); and

WHEREAS, the City intends to pay a proportionate amount of the Contract entered into by TRA consistent with the terms of this Resolution, in an amount that fairly compensates the City for the scope of work anticipated under the Contract and said

payment will be from current revenues available to the City; and

WHEREAS, TRA does acknowledge, understand and consent that the City will be a full and equal participant with TRA in any discussion, negotiation, or execution of a Contract for engineering or professional services as contemplated by the Agreement, attached hereto as Exhibit "A" and included herein for all purposes.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK THAT:

SECTION 1. AUTHORIZATION.

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

SECTION 2. AGREEMENT EXECUTION.

- a. Pursuant to the provisions of Chapter 791, TEX. GOV'T CODE, "Interlocal Cooperation Act" ("Act"), the City does hereby find that the statutory conditions necessary and required to enter into an Agreement pursuant to the Act have been satisfied and therefore the City does hereby authorize the Mayor, or designee, in concert with the City Attorney to execute an Agreement if not materially different than the Agreement attached hereto as Exhibit "A."
- b. The City further conditions any payment of costs, fees or other charges pursuant to the Contract or the Agreement with the unrestricted

right of the City to review, negotiate and finally approve the terms and conditions of any Contract entered into pursuant to the Agreement.

SECTION 3. SEVERABILITY.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Resolution shall be held invalid, it shall not affect any valid provisions of this or any other Resolution or Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 4. REPEALER.

To the extent any other ordinance or resolution is inconsistent with the provisions herein it is hereby repealed and superseded by the provisions herein.

SECTION 5. 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 Resolution.

SECTION 6. EFFECTIVE DATE.

This Resolution shall take effect from and after its adoption.

PASSED AND APPROVED this 19th day of July, 2010.

/s/ Kenneth A. Hawkins
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Resolution No. 07-10, did on the 19th day of July, 2010 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____
Gene Martin, Place 2	_____✓	_____
Barry Brown, Place 3	_____✓	_____
Mark Hickerson, Place 4	_____✓	_____
Hale Alderman, Mayor Pro Tem, Place 5	_____✓	_____