

CITY OF WILLOW PARK

RESOLUTION NO. 09-10

A RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL OF THE CITY OF WILLOW PARK THAT THE “ENGINEERING SERVICE AGREEMENT FOR THE TRINITY RIVER AUTHORITY” BY AND BETWEEN TRINITY RIVER AUTHORITY AND ALAN PLUMMER AND ASSOCIATES, INC. MET THE REQUIREMENTS EXPRESSED IN RESOLUTION 07-10 AS ADOPTED BY THE CITY; 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 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, the City was accorded the opportunity to negotiate with and did negotiate certain terms, conditions and provisions included in the Contract as required pursuant to the authorization of Resolution 07-10.

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. FINDINGS.

The City does hereby find that pursuant to the provisions of Section 2(b), “Agreement Execution” in Resolution 07-10 that the City was accorded the right to review, negotiate and finally approve the terms and conditions of the Contract entered into pursuant to the Interlocal Cooperation Agreement. The City does therefore agree to pay a proportionate share of costs, fees or other charges pursuant to the Contract if the Contract finally approved by the Trinity River Authority is substantially the same as the Contract attached hereto as Exhibit “A”.

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 9th day of August, 2010.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Resolution No. 09-10, did on the 9th day of August, 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	_____	_____