

ORDINANCE NO. 2019-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CITY CODE OF ORDINANCES, APPENDIX A, FEE SCHEDULE, ARTICLE A13.02 "WATER AND WASTEWATER RATES AND CHARGES", SECTIONS A13.02.002 WASTEWATER SERVICE CHARGE AND A13.02.004 WATER SERVICE CHARGE, ADDING NEW SUBSECTIONS A13.02.002(c) AND SUBSECTION A13.02.004(b), AS ATTACHED IN EXHIBIT A; PROVIDING FOR: FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE, CODIFICATION, AND PROPER NOTICE AND MEETING

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt ordinances or regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council of the City of Bastrop, Texas conducted a special workshop on water and wastewater on March 24, 2018 to discuss the current state of both utilities; and

WHEREAS, after careful engineering and technical analysis, the City has determined that, due to increased demands resulting from population growth within the City, and age of our infrastructure, the City's wastewater facilities and related infrastructure will not have the capacity to adequately handle the current or future demands for wastewater service placed upon such facilities and infrastructure; and

WHEREAS, after a study of the metal thickness of the current wastewater plant, the need to have a design for construction already in process was essential; and

WHEREAS, in order to address these critical needs, City Staff and professional consultants are developing a multi-year program to finance the needed wastewater facility and infrastructure improvements, with the objectives of providing for the health, safety and welfare of Bastrop's citizens, and providing for the orderly and equitable funding of these utility improvements which are necessary for the ongoing and future provision of wastewater services to the citizens of Bastrop; and

WHEREAS, in November 2018 City Council of the City of Bastrop, Texas approved an agreement with Aqua Water Supply Company to provide an emergency connection and the ability to purchase water through a wholesale rate. This would allow developers a one-stop-shop for water and wastewater; and

WHEREAS, at a Special Workshop on February 25, 2019, City Council of the City of Bastrop, Texas received a presentation from their rate consultant regarding water and wastewater wholesale rates; and

WHEREAS, on April 23, 2019, the City Council of the City of Bastrop, Texas approved standard wholesale water and wastewater agreements to be used with potential developers; and

WHEREAS, the City Council of the City of Bastrop, Texas has determined that in order to properly provide water and wastewater service to wholesales customers, it is necessary to amend the City Code of Ordinances Appendix A: Fee Schedule Article A13.02 Water and Wastewater Rates and Charges, as noted below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT Appendix A, Article A13.02 Water and Wastewater Rates and Charges, Sections A13.02.002 Wastewater service charge and A13.02.004 Water service charge are hereby amended to read in accordance with Exhibit A which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined language shall be added. Stricken language shall be deleted.

SECTION 3. REPEALER All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

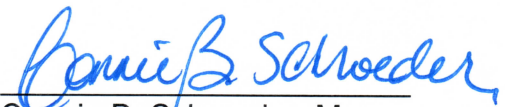
SECTION 5. EFFECTIVE DATE This Ordinance shall be effective immediately upon passage and publication.

SECTION 6. PROPER NOTICE & MEETING It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading on the 11th day of June 2019.

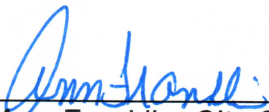
READ & APPROVED on the Second Reading on the 25th day of June 2019.

APPROVED:



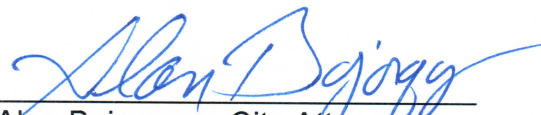
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit "A"

**CHAPTER 13 UTILITIES
ARTICLE A13.02 WATER AND WASTEWATER RATES AND CHARGES**

Sec. A13.02.002 –Wastewater service charge.

- (a) These Retail Wastewater: The following rates are applicable to all residential, multifamily and commercial retail wastewater customers within the corporate limits of the city who have metered water connections and to whom city wastewater service has actually been connected, except for customers who have a city-approved, on-site sewer system, septic system or other on-site wastewater system, and have not connected to the city's wastewater system, or customers who have a water meter for irrigation use only, as long as the irrigation meter does not provide water to plumbing fixtures.

Minimum charge:	\$36.97
Plus the following charges for consumption per 1,000 gallons:	
0-5,000 gallons	\$2.45
5,001-10,000 gallons	\$2.77
10,001-20,000 gallons	\$2.95
20,001-50,000 gallons	\$3.18
Over 50,000 gallons	\$3.47

(Ord. No. 2014-21, 9-23-14; Ord. No. 2015-17, pt. 1, 9-22-15)

- (b) In order to meet critical needs of the city's wastewater system, it is the city's intention to increase these rates, by separate ordinances, by not less than 3.5% each year, starting in December 2012, and each succeeding December until December 2020, consistent with the recommendations of the city's staff, K* Friese and Associates and Rimrock Consulting. The intended future rate increases are as follows:

December 2013 - Minimum and volume charges not less than 6.3% higher than those shown adopted in 2012;

December 2014 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2013;
 December 2015 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2014;
 December 2016 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2015;
 December 2017 - Minimum and volume charges not less than 4.5% higher than those shown adopted in 2016;
 December 2018 - Minimum and volume charges not less than 4.0% higher than those shown adopted in 2017; and
 December 2019 - Minimum and volume charges not less than 3.5% higher than those shown adopted in 2018.
 (Ord. No. 2012-25, 12-11-12)

(c) **Wholesale Wastewater:** The following rates are applicable to all wholesale wastewater customers within the corporate limits of the city and the city's extraterritorial jurisdiction who have metered wastewater connections and whom have executed a wholesale wastewater agreement with the city:

<u>Monthly Fixed Charge</u>	
<u>Customer Charge</u>	<u>\$2.23 per wholesale meter</u>
<u>Plus the following charges per 1,000 gallons of metered contributed flow</u>	
<u>Volumetric Charge per 1,000 gallons</u>	<u>\$3.83 per 1,000 gallons of metered flow contributed</u>

Sec. A13.02.004 - Water service charges.

(a) **Retail Water:** These The following rates will be applicable to all retail sales or service of water within the corporate limits of the city.

(1) Residential - In city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$79.47
2"	\$118.28
3"	\$221.78
4"	\$255.07
6"	\$661.68

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$ 2.85
3,001—5,000 gallons	\$ 3.04
5,001—10,000 gallons	\$ 3.22
10,001—20,000 gallons	\$ 3.42
20,001—50,000 gallons	\$ 3.69
Over 50,000 gallons	\$ 3.87

Commercial - In city limits.

Meter Size	Minimum Charge
¾" (or smaller)	\$27.72
1"	\$47.13
1½"	\$79.47
2"	\$118.28
3"	\$221.78
4"	\$255.07
6"	\$661.68

Plus the following charges for consumption per 1,000 gallons:

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3,001—5,000 gallons	\$3.04
5,001—10,000 gallons	\$3.22
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20,001—50,000 gallons	\$3.69
Over 50,000 gallons	\$3.87

(Ord. No. 2015-17, pt. 1, 9-22-15)

(2) *Residential and Commercial - Outside city limits.*

Meter Size	Minimum Charge
¾" (or smaller)	\$41.59
1"	\$70.69
1½"	\$119.22
2"	\$177.43
3"	\$332.68
4"	\$507.34
6"	\$992.48

Plus the following charges for consumption per 1,000 gallons:

0—3,000 gallons	\$4.13
3,001—5,000 gallons	\$4.42
5,001—10,000 gallons	\$4.70
10,001—20,000 gallons	\$4.98
20,001—50,000 gallons	\$5.39
Over 50,000 gallons	\$5.66

(Ord. No. 2014-21, 9-23-14; Ord. No. 2015-17, pt. 1, 9-22-15)

(3) In order to meet critical needs of the city's water system, it is the city's intention to increase these rates, by separate ordinances, by not less than 3.5% each year, starting in December 2012, and each succeeding December until December 2020, consistent with the recommendations of the city's staff, K* Friese and Associates and Rimrock consulting. The intended future rate increases are as follows:

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(Ord. No. 2012-25, 12-11-12)

(b) **Wholesale Water:** The following rates are applicable to wholesale sales of water within the corporate limits of the city and the city's extraterritorial jurisdiction who have metered water connections and whom have executed a wholesale water agreement with the city.

<u>Monthly Fixed Charge</u>	
<u>Source Cost</u>	<u>\$45,000.00 per MGD subscribed capacity</u>
<u>Transmission Cost</u>	<u>\$4,243.70 per MGD subscribed capacity</u>
<u>Customer Charge</u>	<u>\$2.23 per wholesale meter</u>
<u>Plus the following charges for consumption per 1,000 gallons</u>	
<u>Volumetric Charge per 1,000 gallons</u>	<u>\$1.97 per 1,000 gallons of actual consumption</u>

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CHAPTER 13 UTILITIES
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