

RESOLUTION NO. 16-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING AN AMENDMENT TO THE EXISTING WATER SUPPLY CONTRACT BETWEEN THE CITY OF ABILENE AND THE VIEW-CAPS WATER SUPPLY CORPORATION BY INCREASING THE MAXIMUM DAILY FLOW RATES

WHEREAS, The City of Abilene (City) is currently a regional supplier of potable water to area cities and rural water supply corporations including the View-Caps Water Supply Corporation (VCWSC); and

WHEREAS, VCWSC owns a potable water distribution system serving rural customers existing outside the Abilene City limit, and the current Water Supply Contract describes eight metered Delivery Point connections to the Abilene Water system; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires that the Water Supply Contract provides adequate supply to meet the calculated demand of the VCWSC retail system based on the number of connections it serves, and the demand of VCWSC exceeds 85% of its contracted supply and therefore it must make plans for additional supply; and

WHEREAS, the View-Caps Water Supply Corporation contracted with a Professional Engineer to evaluate its distribution system, and the Engineer recommends that the Maximum Daily Flow Rate for Delivery Points No. 5, 6, and 8 be increased and that Delivery Point No. 7 be eliminated resulting in a combined net increase of 300 gallons per minute to the Water Supply Contract; and

WHEREAS, City staff did evaluate the Purchaser's request for the increase in Maximum Daily Flow Rate of Delivery Points No. 5, 6, and 8 and has determined that the increase does not require acceleration or expansion of planned system improvements as identified in the 2010 Abilene Water Distribution System Master Plan; and

WHEREAS, it is required that the Abilene City Council and the Corporation's Board of Directors must each approve of a modification to the Water Supply Contract for the increase in the Maximum Daily Flow Rate of Delivery Points No. 5, 6, and 8, and the elimination of Delivery Point No. 7.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF ABILENE, TEXAS:**

Part 1: That the Honorable Mayor of the City of Abilene is hereby authorized to execute Addendum II to the existing Water Supply Contract between the City of Abilene and the View-Caps Water Supply Corporation thus approving the increase in the Maximum Daily Flow Rate of Delivery Points No. 5, 6, and 8, and the elimination of Delivery Point No. 7.

ADOPTED this 24th day of July, 2014.

APPROVED:



Norm Archibald, Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

ADDENDUM II
TO WATER SUPPLY CONTRACT
WITH THE VIEW-CAPS WATER SUPPLY CORPORATION

WHEREAS, the City of Abilene, Texas ("CITY") and the View-Caps Water Supply Corporation ("PURCHASER") have entered into a Water Supply Contract made on March 1, 2004 whereby CITY has agreed to sell and provide water to PURCHASER for rural residential and rural agricultural uses; and

WHEREAS, Addendum I of the Water Supply Contract was approved July 15, 2009 allowing for the relocation of Delivery Point No. 1 and Delivery Point No. 8, and increasing the Maximum Daily Flow Rate of Delivery Point No. 1 from 150 gallons per minute up to 185 gallons per minute; and

WHEREAS, View-Caps Water Supply Corporation owns and operates a potable water supply system serving rural customers residing outside the Abilene City limit, and the Purchaser receives water through eight metered Delivery Points to the Abilene Public Water Supply; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires that the Water Supply Contract provides adequate supply to meet the calculated demand of the VCWSC retail system based on the number of connections it serves, and the demand of VCWSC exceeds 85% of its contracted supply and therefore it must make plans for additional supply; and

WHEREAS, View-Caps Water Supply Corporation contracted with a Professional Engineer to evaluate its distribution system, and the Engineer recommends that the Maximum Daily Flow Rate for Delivery Points No. 5, 6, and 8 be increased and that Delivery Point No. 7 be eliminated resulting in a combined net increase of 300 gallons per minute to the Water Supply Contract; and

WHEREAS, City staff did evaluate the Purchaser's request for the increase in Maximum Daily Flow Rate of Delivery Points No. 5, 6, and 8 and has determined that the increase does not require acceleration or expansion of planned system improvements as identified in the 2010 Abilene Water Distribution System Master Plan; and

WHEREAS, The Abilene City Council and the Corporation's Board of Directors must each approve of a modification to the Water Supply Contract for the increase in the Maximum Daily Flow Rate of Delivery Points No. 5, 6, and 8, and the elimination of Delivery Point No. 7; and

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. Section II.A. of the Water Supply Contract is amended as follows:
 - strike the words "Delivery Point No. 7 (meter #694) – 5126B Antilley Road"

2. Section II.B. of the Water Supply Contract is amended as follows:
 - strike the words "Delivery Point No. 5 – 150 g.p.m." and insert the words "Delivery Point No. 5 – 225 g.p.m."
 - strike the words "Delivery Point No. 6 – 150 g.p.m." and insert the words "Delivery Point No. 6 – 225 g.p.m."
 - strike the words "Delivery Point No. 7 – 10 g.p.m."
 - strike the words "Delivery Point No. 8 – 350 g.p.m." and insert the words "Delivery Point No. 8 – 510 g.p.m."

3. All terms, provisions, and obligations in the Water Supply Contract effective January 1, 2004, as amended, remain in force and effect.

WITNESS OUR HANDS THIS 24 DAY OF July, 2014.

CITY OF ABILENE, TEXAS

VIEW-CAPS WATER SUPPLY CORPORATION

By: [Signature]
Mayor

By: [Signature]
Board President

ATTEST:

[Signature]
City Secretary

[Signature]
Board Secretary

APPROVED AS TO FORM:

[Signature]
City Attorney

[Signature]
Corporation's Attorney