

RESOLUTION NO. R-2024-95

**APPROVING A CONTRACT FOR THE INSTALLATION OF AN OFF-SITE
WASTEWATER LINE RELATED TO THE VALVERDE DEVELOPMENT**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BASTROP, TEXAS, APPROVING AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH C.C. CARLTON
INDUSTRIES, LTD., IN THE AMOUNT OF \$3,199,778.53 FOR
THE CONSTRUCTION OF AN OFF-SITE WASTEWATER
LINE RELATED TO THE VALVERDE DEVELOPMENT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
REPEAL; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop ("City") has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City previously entered into that certain Viridian Development Agreement (the "Development Agreement") on or about July 13, 2021, regarding the development and annexation of certain property now commonly referred to as the "Valverde Development," such property being described in the Development Agreement as adopted by City Council Resolution No. R-2021-65; and

WHEREAS, the City and developer of the Valverde Development have subsequently amended the Development Agreement to account for changes in circumstances and to provide for developer's participation in the construction costs of a certain offsite wastewater line (the FM 969 Off-Site Wastewater Line); and

WHEREAS, the City is exempt from engaging in the competitive bidding or competitive proposals procurement process under certain circumstances, pursuant to Texas Local Government Code Section 252.022(a) and the City of Bastrop Purchasing Policy, including for procurements that are necessary to preserve or protect the public health or safety, and for payments under a contract by which a developer participates in the construction of a public improvement; and

WHEREAS, the City of Bastrop finds it necessary to immediately install the wastewater line, consistent with the terms of the amended Development

Agreement under which the developer is contributing to the construction costs, and in response to the demands of the growing population and development activities, in order to ensure efficient and effective conveyance of wastewater as necessary to preserve and protect the public health and safety by investing in critical infrastructure to reduce the risk of system failures and avoid potentially costly emergency repairs in the future; and

WHEREAS, the City of Bastrop ("City") has found and determined that the public health, safety, and vitality of the City will be promoted and preserved by promptly installing the needed wastewater line.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

- Section 1.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.
- Section 2. Execution:** The City Council approves and authorizes the City Manager to execute the contract with C.C. Carlton Industries, Ltd. in the amount of \$3,199,778.53, for the construction of the FM 969 Offsite Wastewater Line, related to the Valverde Development, with such contract to be substantially in the form attached hereto as **Exhibit A**.
- Section 3. Repealer:** To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.
- Section 4. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution 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 Resolution.
- Section 5. Effective Date:** This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.
- Section 6. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Resolution 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.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the 23rd day of July, 2024.

THE CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney