

## A RESOLUTION

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE TIVOLI WAY DRAINAGE IMPROVEMENTS PROJECT, EXPENDITURE OF THE REQUIRED FUNDS, AND EXECUTION OF ALL APPLICABLE DOCUMENTS BY THE CITY MANAGER.

**WHEREAS**, the City of Fair Oaks Ranch (the “City”) included funds in FY 2023-24 for the Tivoli Way Drainage Improvements Project; and,

**WHEREAS**, bids were received in accordance with Texas Local Government Code Chapter 252; and,

**WHEREAS**, E-Z Bel Construction, LLC was the lowest responsible bidder; and,

**WHEREAS**, the cost to complete this Project is \$1,376,743.00 with a 5% contingency not to exceed a total cost of \$1,445,580.15; and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch continues to support the need for this drainage improvement project to mitigate the impact of stormwater flowing from public right-of-way to private property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

- Section 1** The City Council hereby authorizes the City Manager to execute an agreement with E-Z Bel Construction, LLC (**Exhibit A**) for the Tivoli Drainage Improvements Project, to expend required funds up to \$1,445,580.15 including contingency, and to execute any and all applicable documents to effectuate this resolution.
- Section 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section3.** If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.
- Section 4.** That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.

**Section 6.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 7.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED, APPROVED, and ADOPTED on this 16<sup>th</sup> day of May 2024.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, TRMC  
City Secretary

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Denton Navarro Rodriguez Bernal Santee & Zech  
P.C., City Attorney