

RESOLUTION NO. _____

**RESOLUTION OF THE CITY PFLUGERVILLE, TEXAS APPROVING
WASTEWATER SERVICE AGREEMENT BETWEEN THE CITY OF HUTTO
AND KELLY LANE UTILITY COMPANY ADDENDUM NO. 1 AUTHORIZING THE
CITY MANAGER EXECUTE THE AGREEMENT**

WHEREAS, on June 9, 1999, Hutto entered into a Wastewater Service Agreement (“Agreement”) with Kelly Lane Utility Company (Company); and

WHEREAS, on November 12, 2002, the City and Company entered into a Participating Agreement wherein the Parties agreed to the terms of a project to provide regional wastewater service in the northeast portion of the City and its extraterritorial jurisdiction, which includes the City of Hutto; and

WHEREAS, the City and Company made application to the Texas Commission on Environmental Quality for transfer of the Company’s CCN to the City effective December 10, 2002; and

WHEREAS, on December 10, 2002, the City and Company entered into a Wholesale Wastewater Service Agreement to provide wastewater service to the area covered by the terms of the Participating Agreement to all customers of Company, which includes the provision of service for Hutto; and

WHEREAS, on May 23, 2019, Hutto notified the City of its interest in extending the Agreement for one additional year; and

WHEREAS, both parties are agreeable to this extension.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE:

That the Wholesale Wastewater Service Agreement between the City of Hutto and Kelly Lane Utility Company Addendum No. 1 (Exhibit A) is approved and authorizes the City Manager to execute the Agreement.

PASSED AND APPROVED on this the ____th day of November, 2019.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

By: _____

Karen Thompson, City Secretary

WASTEWATER SERVICE AGREEMENT
BETWEEN THE CITY OF HUTTO
AND KELLY LANE UTILITY COMPANY
ADDENDUM NO. 1

This Addendum is authorized by City of Pflugerville Resolution_____ and effective the ____ day of November 2019, by and between the CITY OF PFLUGERVILLE (“City”), a Texas home-rule municipal corporation, and the CITY OF HUTTO (“Hutto”), a Texas general law municipal corporation.

WHEREAS, on June 9, 1999, Hutto entered into a Wastewater Service Agreement (“Agreement”) with Kelly Lane Utility Company (Company); and

WHEREAS, on November 12, 2002, the City and Company entered into a Participating Agreement wherein the Parties agreed to the terms of a project to provide regional wastewater service in the northeast portion of the City and its extraterritorial jurisdiction, which includes the City of Hutto; and

WHEREAS, the City and Company made application to the Texas Commission on Environmental Quality for transfer of the Company’s CCN to the City effective December 10, 2002; and

WHEREAS, on December 10, 2002, the City and Company entered into a Wholesale Wastewater Service Agreement to provide wastewater service to the area covered by the terms of the Participating Agreement to all customers of Company, which includes the provision of service for Hutto; and

WHEREAS, on May 23, 2019, Hutto notified the City of its interest in extending the Agreement for one additional year; and

WHEREAS, both parties are agreeable to this extension. However, the Agreement only provides for extensions for a period of ten (10) years.

Now therefore, be it known that the City and Hutto and the City of Pflugerville agree to amend the Agreement as follows:

1. Pursuant to Section 6.6 of the Agreement, the parties may by written agreement modify any terms and conditions. The parties agree to modify the term of the Agreement from a period of ten (10) years to a period of a one (1) year.
2. Pursuant to Section 6.1, the term of the Agreement may be extended if written notice is given within six months of the date of expiration. This Agreement shall then be renewable for additional periods as agreed to by both parties and formalized in writing. The parties agree to a one-year extension effective January 2, 2020 through January 1, 2021.

This Addendum No. 1, the Agreement and Wholesale Wastewater Service Agreement shall constitute the sole agreements between City and Hutto relating to the object of this Addendum and correctly set forth the complete rights, duties, and obligations of each party to the other as of its date. All other terms and conditions not specifically amended above shall remain in full force and affect for the duration of this Agreement. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth herein are of no force and effect.

City of Hutto

City of Pflugerville

Odis Jones, City Manager

Sereniah Breland, City Manager

Date: _____

Date: _____

ATTEST:

ATTEST:

Lacie Hale, City Secretary

Karen Thompson, City Secretary

APPROVED:

APPROVED:

City Attorney

City Attorney