



RESOLUTION NO. 2013-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, MAKING CERTAIN FINDINGS WITH RESPECT TO EMERGENCY REPAIRS TO THE CITY'S SANITARY SEWER MAINS AND WATER MAINS; RATIFYING THE ACTIONS OF THE CITY MANAGER AND DIRECTOR OF PUBLIC WORKS RELATING TO THE NEGOTIATION AND EXECUTION OF CONTRACTS WITH WRIGHT CONSTRUCTION TO MAKE SUCH REPAIRS; AUTHORIZING PAYMENTS PURSUANT TO SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in January 2013, City staff discovered a break in a 21-inch sanitary sewer main located in the north side of the median of Valley View Lane at Farmers Branch Creek near the YMCA's Johnston Outpost (the "Sewer Main Break"); and

WHEREAS, because of (a) the depth of the sanitary sewer line and the lack of proper City equipment to quickly and safely make the repair of the Sewer Main Break and (b) the need to repair the Sewer Main Break as soon as possible to avoid the discharge of sanitary sewer waste onto public and/or private property or into Farmers Branch Creek, the City Manager, on recommendation of the Director of Public Works, signed a contract with Wright Construction to repair the Sewer Main Break; and

WHEREAS, in February 2013, a 16-inch water main located along Josey Lane near the northwest corner of Valwood Parkway was discovered to contain multiple leaks (the "Water Main Break"); and

WHEREAS, because of (a) the specialized pipe necessary to repair the Water Main Break along the above-described section of Josey Lane, and (b) the need to quickly repair the Water Main Break in order to avoid damage to City's streets and the loss of potable water, the City Manager, on recommendation of the Director of Public Works, signed a contract with Wright Construction to repair the Water Main Break; and

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest to make certain findings regarding the above repairs and agreements, to ratify and affirm the actions of the City Manager and Director of Public Works, and authorize payment:

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

SECTION 1. The City Council of the City of Farmers Branch finds that the Sewer Main Break and the Water Main Break and the agreements with Wright Construction to conduct the repairs

to same constituted a procurement (a) made because of a public calamity that required the immediate appropriation of money to preserve the City's property, (b) necessary to preserve or protect the public health and safety of the City's residents, and (c) necessary because of unforeseen damages to public property, and, therefore, constituted an emergency which necessitated the procurement of said agreements and the expenditures related to same without obtaining sealed bids or proposals for same as allowed pursuant to Texas Local Government Code §252.022 and applicable city purchasing policies.

SECTION 2. The actions of the City Manager and Director of Public works relating to the negotiation and execution of the agreements with Wright Construction to (a) perform the repair of the Sewer Main Break in the amount of \$71,798.00 and (b) perform the repair of the Water Main Break in the amount of \$60,658.00 are hereby ratified and affirmed and shall be deemed to be actions authorized by the City Council as if such authority had been granted to the City Manager and Director of Public Works prior to said actions having been taken.

SECTION 3. The City Manager is hereby authorized to pay Wright Construction in accordance with the agreements authorized and ratified pursuant to Section 2, above, from funds available in the 2012-2013 Pubic Works, Utility Division Operating Budget.

SECTION 4. This resolution shall become effective immediately upon its approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 7TH DAY OF MAY, 2013.

ATTEST:

APPROVED:

Angela Kelly, City Secretary

William P. Glancy, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:4/22/13:60372)