



RESOLUTION NO. 2021-083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, MAKING CERTAIN FINDINGS WITH RESPECT TO AN EMERGENCY SOIL STABILIZATION AND CONCRETE CHANNEL REPAIR PROJECT FOR THE BROOKHAVEN VILLAGE CHANNEL; RATIFYING THE ACTIONS OF THE CITY MANAGER AND DIRECTOR OF PUBLIC WORKS RELATING TO THE NEGOTIATION AND EXECUTION OF CONTRACTS WITH JIM BOWMAN CONSTRUCTION CO. LP AND KELLER NORTH AMERICA INC TO MAKE SUCH REPAIRS; AUTHORIZING PAYMENT WITH RESPECT TO SAID CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City forces discovered an area of soil slope failure within Rawhide Creek channel which, if not immediately repaired, could have foreseeably led to an undermining of an apartment building in the Brookhaven Village complex, endangering the residents' health and safety; and

WHEREAS, because of the potential danger and disruption the above-described failure could have caused, the City Manager, on the recommendation of the Director of Public Works, entered into contracts with Jim Bowman Construction Co. LP and Keller North America, Inc. (the "Contractors") to repair concrete channel wall and install the necessary soil retention system, respectively ("the Emergency Project") because of the Contractor's immediate availability, the Contractor's ability to provide the appropriate equipment needed to make the repairs, and the Contractor's expertise in making such repairs; 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 Emergency Project and the contracts with Jim Bowman Construction Co. LP and Keller North America, Inc. to perform the repairs as part of the Emergency Project constituted a procurement (a) made because of a public calamity that required the immediate appropriation of money to relieve the necessity of the City's residents and (b) necessary to preserve or protect the health and safety of the City's residents, and, therefore, constituted an emergency which necessitated the procurement of said contract 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 contract with Jim Bowman Construction Co. LP and Keller North

America, Inc. to perform the repairs relating to the Emergency Project in the total amount of \$319,637.50.00 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 Jim Bowman Construction Co. LP and Keller North America, Inc. in accordance with the contract authorized and ratified pursuant to Section 2, above, from funds available in the FY 2020-21 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 1ST DAY OF JUNE 2021.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:5/25/21:122718)