



RESOLUTION NO. 2016-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, MAKING CERTAIN FINDINGS WITH RESPECT TO EMERGENCY BRIDGE AND ROAD REPAIRS ON LUNA ROAD; RATIFYING THE ACTIONS OF THE CITY MANAGER AND DIRECTOR OF PUBLIC WORKS RELATING TO THE NEGOTIATION AND EXECUTION OF CONTRACT WITH REBCON INC TO MAKE SUCH REPAIRS; AUTHORIZING PAYMENT WITH RESPECT TO SAID CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Luna Road carries a high volume of commercial and non-commercial vehicle traffic into and out of the City; and

WHEREAS, City forces discovered an area along Luna Road with bridge and pavement structural failure which, if not immediately repaired, could have foreseeably led to a complete failure of the road and/or bridge, endangering the public health and safety and disrupting significant traffic routes into and out of the City; 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 a contract with Rebcon, Inc. to make the necessary pavement and bridge repairs (“the Emergency Project”) because of their immediate availability, the ability to provide the appropriate equipment needed to make the repairs, and its expertise to make 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 agreement with Rebcon, Inc. to conduct 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 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 agreement 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 an agreement with Rebcon, Inc. to perform the repairs relating to the Emergency Project in the amount of \$81,845.00 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 Rebcon, Inc. in accordance with the agreement authorized and ratified pursuant to Section 2, above, from funds available in the FY 2016-17 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 13TH DAY OF DECEMBER 2016.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:11/30/16:81924)