



## RESOLUTION NO. 2019-022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, MAKING CERTAIN FINDINGS WITH RESPECT TO EMERGENCY CREEK EROSION AND DAM FAILURES ON FARMERS BRANCH CREEK; 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**, Farmers Branch Creek is a major creek that runs from the east City limits to the west City Limits; and

**WHEREAS**, City forces discovered an area along Farmers Branch Creek between Josey Lane and Ford Road where dam structural failures and erosion had occurred which, if not immediately repaired, could have foreseeably led to a significant damage or complete destruction to public infrastructure and homes, endangering the public health and safety and disrupting significant water flow along Farmers Branch Creek; and

**WHEREAS**, because of the potential danger and disruption resulting from the above-described failure, the City Manager, on the recommendation of the Director of Public Works, entered into a contract with Rebcon, Inc. to make the necessary repairs (“the Emergency Project”) because of their immediate availability, the ability to provide the appropriate equipment needed to make the repairs, and its 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 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 as well as City property, and (c) necessary because of unforeseen damages to public property, and, therefore, constituted an emergency which necessitated the entering the above-referenced 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 \$167,000.00 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 2018-19 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 19TH DAY OF FEBRUARY 2019.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:2/12/19:106044)