

CITY OF SEGUIN

RESOLUTION NO. \_\_\_\_\_

STATE OF TEXAS

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS DECLARING AN EMERGENCY AND APPROVING A CHANGE ORDER TO THE CONTRACT WITH M&C FONSECA CONSTRUCTION FOR THE REPLACEMENT OF A TWELVE-INCH SANITARY SEWER LINE CROSSING WALNUT BRANCH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, on April 29, 2019, a 12-inch sanitary sewer main crossing Walnut Branch failed, leaking approximately 720 gallons of wastewater; and

**WHEREAS**, on June 18, 2019, the City Council approved a contract with M&C Fonseca Construction for the replacement of the sanitary sewer crossing Walnut Branch; and

**WHEREAS**, during the construction project Fonseca was having difficulty tying into the existing clay sanitary sewer line; and

**WHEREAS**, to investigate the problems city staff ran a camera into the adjoining section of sanitary sewer finding several cracks and evidence of a partial collapse including dirt in the water used to clean the line; and

**WHEREAS**, given the condition of the line and the fact that the line is compromised and likely leaking along with its proximity to Walnut Branch there is an imminent public danger that necessitates adding this contract change order to the City Council agenda with less than the required 2 hour notice; and

**WHEREAS**, if the line were not immediately replaced a by-pass would need to be constructed and remain in place until a new contract was awarded; and

**WHEREAS**, since M&C Fonseca is currently working on the line, staff requested a quote for extending their contract to include replacing the additional 480 feet of clay line; and

**WHEREAS**, the quote given by Fonseca is in line with those recently received for other work around the city.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Seguin, Texas:

**SECTION 1.** The above recitals are adopted as a formal part of this resolution as if fully set forth herein.

**SECTION 2.** The above recitals set forth an urgent public necessity that is an imminent threat to public health and safety meeting the exception to posting outlined in Section 551.045 of the Texas Government Code.

**SECTION 3.** The above recitals set forth sufficient basis to declare this contract an emergency contract excepted from the public bidding requirement by Section 252.022 of the Texas Local Government Code.

**SECTION 4.** The City Manager, Douglas G. Faseler, is authorized to execute a contract with M&C Fonseca Construction in the amount of \$100,300.00 for the replacement of approximately 200 feet of sanitary sewer line crossing Walnut Branch.

**SECTION 5.** This resolution is effective on the date of its passing.

**PASSED AND APPROVED** this 20<sup>th</sup> day of August 2019.

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**DON KEIL, MAYOR**

**ATTEST:**

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**Naomi Manski, City Secretary**