

RESOLUTION NO. 2002- 137 R

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BAY, LTD. OF CORPUS CHRISTI, TEXAS FOR THE LONE TREE CREEK OFF -CHANNEL STORAGE BASIN FLOOD PROTECTION EXCAVATION PROJECT, PHASE II, TO PROVIDE FOR THE EXCAVATION OF APPROXIMATELY 500,000 CUBIC YARDS OF EMBANKMENT FILL, ASSOCIATED CLEARING, GRUBBING, AND ROOT PLOWING, AND REMOVAL AND REPLACEMENT OF TOPSOIL AND PIT MAINTENANCE DURING EXCAVATION IN THE TOTAL AMOUNT OF \$2.79 PER CUBIC YARD FOR AN ESTIMATED TOTAL COST OF \$1,395,000; AND DECLARING AN EFFECTIVE DATE.

Tex. Local Gov't Code § 252.022(a)(2) provides an exemption to Texas' competitive bidding requirements for a procurement necessary to preserve or protect the public health or safety of the municipality's residents;

Flooding harms the health and safety of its victims by causing sewer contamination of living areas, spreading disease, drowning its victims, increasing the presence of dangerous molds in human habitations, and displacing people from their residences to crowded shelters; and

The City Council finds the Lone Tree Creek Off -Channel Storage Basin flood protection excavation project , phase II, will preserve the public health and safety of the residents of the City of Victoria by providing a place for stormwater to drain more rapidly during heavy rain events and preventing flooding in various areas of the City of Victoria in and around the Lone Tree Creek floodplain; therefore, this procurement is necessary to preserve or protect the public health or safety of the residents of the City of Victoria.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The aforementioned findings are adopted and the City Manager is authorized to execute a contract with Bay Ltd. of Corpus Christi, Texas for the Lone Tree Creek Off -Channel Storage Basin flood protection excavation project, Phase II, as described in the heading above, in the amount of \$2.79 per cubic yard for an estimated total cost of \$1,395,000 , in a form to be approved by the City Attorney.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 22<sup>nd</sup> day of August, 2002.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 22<sup>nd</sup> day of August, 2002.



ATTEST:

*Scarlet Swoboda*  
SCARLET SWOBODA, City Secretary

*Gary Middleton*  
GARY MIDDLETON, Mayor of the City of Victoria, Texas  
*David Atmar Smith*  
APPROVED AS TO LEGAL FORM:  
DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department  
Department of Public Works

Copies Sent: September 9, 2002