

RESOLUTION NO. 49-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE TOTAL EXPENDITURE OF \$76,312.08 WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY REPAIR AND REPLACEMENT OF THE SEWER LINE THAT SERVES THE VANSTON PARK CONCESSION STAND LOCATED AT 3003 OATES DRIVE; AND AUTHORIZING PAYMENT TO DMI CORPORATION FOR SUCH REPAIRS.

WHEREAS, on or about March 3, 2020, and within Vanston Park located at 3003 Oates Drive, Mesquite, Texas 75150, Epic Communications, Inc., was digging footings for a screening wall being erected around the communications tower owned and operated by Dallas MTA, L.P., d/b/a Verizon Wireless, and inadvertently cut the City of Mesquite's ("City") sewer line and filled it with concrete; and

WHEREAS, the sewer line serves the Vanston Park concession stand and its restroom facilities; and

WHEREAS, the damaged sewer line was not discovered until the Vanston Park concession stand was reopened in early June 2020; and

WHEREAS, due to public health necessities and the need to expediently restore service to the sewer line so baseball games could be held and the public could continue enjoyment of the park, the City proceeded to repair the damage; and

WHEREAS, the entire damaged sewer line was abandoned and a new sewer line was installed; and

WHEREAS, the total cost of repairs to the sewer line was \$76,312.08, consisting of a procurement of materials and labor from the City's contractor, DMI Corporation, in the sum of \$72,665.47, and \$3,330.22 in materials and labor provided by the City; and

WHEREAS, demand was made upon Epic Communications and Verizon Wireless for payment of the costs to repair the sewer line and the City did recover the full cost of repairs from Epic Communications in the sum of \$76,312.08; and

WHEREAS, such unforeseen damage required an immediate expenditure of funds without having competitively bid the repairs in order to protect and preserve the public health and safety of the residents of the City; and

WHEREAS, such procurement is authorized without competitive bidding by Texas Local Government Code § 252.022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the expenditure of \$76,312.08 without competitive bidding for emergency repairs for repairing and replacing the sewer line that serves the Vanston Park concession stand located at 3003 Oates Drive and payment of \$72,665.47 to DMI Corporation for its work on the repairs is hereby ratified and authorized.

SECTION 2. That the City Manager is authorized in taking such other actions as are reasonable and necessary to comply with the intent of this resolution.

DULY RESOLVED by the City Council of the City of Mesquite, Texas on the 5th day of October 2020.



---

Bruce Archer  
Mayor

ATTEST:



---

Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



---

David L. Paschall  
City Attorney