

ORDINANCE NO. 2016-O-2

AN ORDINANCE FINDING THAT THE NEED FOR AN EMERGENCY PROCUREMENT EXISTS; APPROVING THE PROPOSAL OF WEISINGER INCORPORATED TO MAKE REPAIRS TO WATER WELL #4 IN THE CITY OF PALACIOS, FINDING THAT THIS ORDINANCE CAN BE APPROVED ON A SINGLE READING; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Palacios has experienced unexpected damage to and the failure of Water Well #4 which restricts the supply of potable water to the citizens of Palacios, and the City has obtained an estimated cost of the repairs needed to restore this well to service; and

WHEREAS, the estimated cost of repairs by Weisinger Incorporated exceeds \$50,000.00, but City Council finds that this expenditure does not require the City to seek competitive bids in the manner described by Chapter 252 of the Texas Local Government Code because this proposed expenditure is for:

- (1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the residents of Palacios;
- (2) a procurement necessary to preserve or protect the public health or safety of the residents of Palacios by insuring a sufficient supply of potable water to the residents of the City;
- (3) a procurement necessary because of unforeseen damage to the City's machinery and equipment, being Well #4; and

WHEREAS, the City Council further finds that the need to preserve and protect the health and safety of the residents of Palacios is an emergency as contemplated by Section 3.13 of the Charter of the City of Palacios, and therefore this ordinance can be given final approval by one reading at a single City Council meeting; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: In order to protect the health, safety and welfare of the residents of Palacios, and for the reasons stated above, City Council finds it is proper to approve the proposal for the repairs to Water Well #4 without seeking competitive bids in the manner provided by Chapter 252 of the Texas Local Government Code.

SECTION 2: That for the reasons stated above, the City Council finds that it can approve this ordinance on a single reading because it relates to an emergency, being the restoration of potable water to the residents of Palacios.

SECTION 3: That City Council hereby approves the proposals of Weisinger Incorporated, copies of which are attached as Exhibit "A" to this ordinance, to make the repairs to Water Well #4 described in the proposals, approves the expenditure of \$71,646.00 to pay for the described repairs, and authorizes the City Manager to sign any documents necessary to accomplish this purchase.

SECTION 4: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 5: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 6: This Ordinance relates to an emergency and pursuant to section 3.13 of the Charter of the City of Palacios shall become effective after its approval and adoption upon a single reading at one council meeting.

PASSED AND APPROVED on first reading this 12<sup>th</sup> day of April, 2016.

CITY OF PALACIOS, TEXAS



  
JOHN SARDELICH, Mayor

ATTEST:

  
ANGELA FLORES, City Secretary

APPROVED AS TO FORM:

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RANDALL B. STRONG, City Attorney

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