

**RESOLUTION NO. 21-R-108**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING A CONTRACT WITH RABA KISTNER, INC., FOR CONSTRUCTION MATERIALS OBSERVATION AND TESTING SERVICES RELATED TO THE WOMAN HOLLERING CREEK WASTEWATER PROJECT, AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the “City”) has determined that the City requires construction materials testing services relating to the construction of the Woman Hollering Creek Wastewater Project; and

WHEREAS, City staff has determined that Raba Kistner, Inc., is an approved geotechnical testing firm with the City, and is qualified to provide such quality control services for the City; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an Agreement with Raba Kistner, Inc., for a base amount of \$79,980, pursuant to the task order and proposal attached hereto as Exhibit A (“Agreement”).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement with Raba Kistner, Inc., in substantially the form set forth on Exhibit A and in accordance with the task order agreement for geotechnical engineering services in place between the City and Raba Kistner, for an amount of \$79,980 and authorize additional expenditures as needed up to an amount not to exceed \$90,000.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 12th day of October, 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

**EXHIBIT A**  
**AGREEMENT**