

**RESOLUTION NO. 21-R-124**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,  
TEXAS AUTHORIZING A CONTRACT WITH FUQUAY, INC. RELATING  
TO THE 2020 FOG SEAL PROJECT AND AUTHORIZING THE BUDGET  
EXPENDITURES FOR THE PROJECT**

WHEREAS, The City staff of the City of Schertz (the “City”) has recommended that the City accept the bid from Fuquay, Inc. relating to the 2020 Fog Seal Project and approve the project expenditures; and

WHEREAS, City staff has received qualifications indicating that Fuquay, Inc. is qualified to provide such services for the City; and

WHEREAS, the project will be funded from the \$2.7 million from Excess General Fund Reserves earmarked for SPAM and \$25,000 from Contingency Funds,

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 contract with Fuquay Inc. for an amount of \$158,495.00 with an amount not to exceed \$162,000.00.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 7th day of December, 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)