

RESOLUTION NO. 22-R-139

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN INCREASE TO THE CONTRACT WITH CUTRITE LANDSCAPING FOR THE CIBOLO VALLEY DRIVE MEDIANS LANDSCAPING PROJECT, AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council of the City of Schertz (the "City") previously adopted Resolution 22-R-48 authorizing a contract with CutRite Landscaping in the amount of \$88,172.99 for the Cibolo Valley Medians Landscaping Project; and

WHEREAS, additional funding is needed to cover the costs of additional landscaping materials due to a discrepancy between the landscaping plan and the actual field conditions; and

WHEREAS, the City Council wishes to increase the not to exceed amount for the project to cover the additional landscaping materials.

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

Section 1. The City Council hereby authorizes and establishes a not to exceed amount of \$104,850.99 and authorizes the City Manager to execute change orders to the project up to the not to exceed amount.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 6th day of December, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary