

MINUTES
SPECIAL CITY COUNCIL MEETING
April 26, 2022 - 6:00 p.m.

PRESENT: Mayor Wyman Williams, Mayor Pro Tempore Anthony Henry, Council Members Stephanie Muller and Teddy Reel

STAFF PRESENT: City Manager Howdy Lisenbee and Director of Administrative Services Molly Jacobsen

OTHERS PRESENT:

ABSENT: Beckey Thompson

1. Call to Order.

Mayor Wyman Williams called the meeting to order at 6:00 p.m.

2. Discussion and Possible Action on an Amendment to the Agreement with Freese & Nichols regarding the FY21 Street Improvements Projects-Washington Street Reconstruction Project.

City Manager Howdy Lisenbee said that as part of our Capital Improvements Program, the City chose Freese & Nichols as the engineering team to do the design work on our street improvement projects. Washington Street is one of the streets selected as a priority to be worked on. Since it is a full reconstruction instead of just a resurface, we have been talking about replacing the utilities underneath Washington Street so that that repair would be done fully and completely and reduce the risk of causing breaks during the process of reconstruction.

We had to decide whether to have Freese & Nichols do the utility work as well as the street work or look at Hayter Engineering doing the utility design. Hayter Engineering does almost all of the utility design for the City, and they have already designed a project to replace some of the utilities beneath Washington Street. While Freese & Nichols is fully qualified to do this work, they would be starting from scratch, whereas, Hayter Engineering has already done a portion of this design work. We checked with Freese & Nichols and also with Hayter Engineering to see if they would consider having Hayter Engineering as a sub-contractor under Freese & Nichols to work together on this project. They were able to come to an agreement on this.

The amount of this amendment to the agreement with Freese & Nichols is \$209,860. That is for the remaining design of the utility work and construction administration of Washington Street. The contract with Freese & Nichols for street design is \$218,613. This amendment would add \$209,860 bringing the total cost of this design contract to \$428,473. The estimated cost of utility work now is \$1.2 to \$1.5 million, which is in addition to the amount for construction on Washington Street. Staff recommends that we award the amendment to the agreement with Freese & Nichols in the amount of \$209,860.

Mayor Pro Tem Anthony Henry made a motion to approve the amendment to the agreement with Freese & Nichols in the amount of \$208,860. Council Member Teddy Reel seconded the motion, and it carried unanimously.

*Please note this item on the agenda was also discussed in great detail at the April 19, 2022 Council meeting.

3. Discussion and Possible Action on a Resolution Awarding a Contract for the Construction of the City of Commerce Water Filter Treatment Repair Project to Heritage Constructors, Inc.

City Manager Howdy Lisenbee reminded the Council that our water treatment plant has six filters as part of the treatment process. That gives our treatment plant the capacity to treat and produce three million gallons of water a day of water. The unfortunate reality is that only one of the six filters currently works well. There is another one that can work partially if needed. This project will repair and rehab all six filters to restore full capacity at the water treatment plant.

We opened two bids on April 14th. One was a little over \$2 million, and the other was for \$1.5 million. The primary scope of the work is to rehab the interior and repaint the interior of the filters. The exterior of the filters does not really impact the performance, but we added some optional work to go ahead and clean up and repaint the exterior of the filters. The contractor added the option for \$50,000 to do the exterior of the filters. We think that exterior work is important because it will protect from rust and will improve the look of the filters and the plant. We recommend awarding the base bid plus that added work to the exterior of the filters. That gets us to a total contract price of \$1,603,800.

Council Member Stephanie Muller made a motion to approve the resolution awarding the Contract to Heritage Constructors, and Mayor Pro Tem Anthony Henry seconded it. The motion carried unanimously.

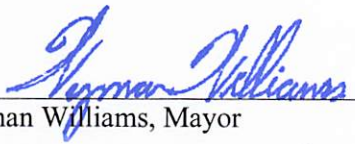
4. First Reading- Franchise to Construct, Maintain and Operate Pipelines and Equipment in the City of Commerce, Hunt County, Texas for the Transportation, Delivery, Sale and Distribution of Gas in, out of and through said City for all Purposes; Providing for the Payment of a Fee or Charge for the use of Public Right-of-Ways; and Providing that such fee shall be in lieu of other Fees and Charges, Excepting Ad Valorem Taxes and Repealing all Previous Gas Franchise Ordinances.

City Manager Howdy Lisenbee told the Council that this franchise had been brought to them at the end of last year. There was a statement in the ordinance that said if Atmos did not execute this document within a certain period of time, then the whole document would be null and void. A few weeks ago, Atmos reached out to us with a one-page document that they wanted staff to sign basically saying, "Forget about that clause, and we will execute it anyway." It was decided that staff does not have the authority to make changes to ordinance documents that Council has adopted as presented. It is the same agreement; nothing has changed. Atmos said that they will execute the document this time within 30 to 60 days.

Mayor Pro Tem Anthony Henry made a motion to accept the first reading of the franchise agreement and Ordinance. Council Member Stephanie Muller seconded the motion, and the vote carried unanimously.

5. Adjourn.

Mayor Wyman Williams adjourned the meeting at 6:15 p.m.

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3 Wyman Williams, Mayor

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6 Molly Jacobsen, Director of Administrative Services

7 05/17/2022
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9 Date

10 04.26.2022.SPECLMTGMINS