

**MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
JULY 31, 2023**

[As a convenience, members of the public were invited to listen and observe in the public meeting by Internet video conference. There were no virtual attendees at the meeting.]

The City Council of the City of Mountain Brook, Alabama met in person at 8:00 a.m. on the 31st day of July, 2023 (others were invited to listen to the meeting by way of Internet video conference—no one attended). Council President Virginia Smith called the meeting to order and the roll was called with the following results:

Present: Virginia Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Gerald A. Garner
Lloyd C. Shelton

Absent: Graham L. Smith
Stewart Welch III, Mayor

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and City Clerk Heather Richards.

Council President Virginia Smith stated that a quorum was present and that the meeting was open.

1. INTRODUCTION OF SPECIAL GUEST-BOY SCOUT

Steven Brown with troop 86

- Working towards the communication merit badge

2. CONSIDERATION: RESOLUTION AWARDING THE BID FOR THE O'NEAL LIBRARY WATER DAMAGE RESTORATION PROJECT (RESOLUTION NO. 2023-123 EXHIBIT 1, APPENDIX 1)

Council Member Shelton made a motion to approve the resolution awarding the bid for the O'Neal Library water damage restoration project. The motion was seconded by Council President Virginia Smith. Thereupon, Council President Virginia Smith called for vote with the following results:

Ayes: Virginia C. Smith
William S. ("Billy") Pritchard III
Gerald A. Garner
Lloyd C. Shelton

Nays: None

Council President Virginia Smith declared Resolution (No. 2023-123) is hereby adopted by a vote of 4—0 (Exhibit 1, Appendix 1)

3. CONSIDERATION: RESOLUTION AUTHORIZING ADDITIONAL WORK WITH RESPECT TO THE CHERRY STREET DRAINAGE PROJECT (RESOLUTION NO. 2023-124 EXHIBIT 2, APPENDIX 2)

Mark Simpson-Schoel Engineering

- This project is related to the current construction project on Cherry Street
- This change is a design change related to the original contract
- Under normal circumstances would ask for a change order to be given to original contractor (Gillespie); however, in this case another contractor is doing the wall repair
- This is to ask the wall repair contractor to perform these items on the original contract
- This is work the original contractor is not asked to do

Council Member Garner made a motion to authorize the resolution for additional work with respect to the Cherry Street drainage project. The motion was seconded by Council Member Shelton. Thereupon, Council President Virginia Smith called for vote with the following results:

Ayes: Virginia C. Smith
William S. ("Billy") Pritchard III
Gerald A. Garner
Lloyd C. Shelton

Nays: None

Council President Virginia Smith declared Resolution (No. 2023-124) is hereby adopted by a vote of 4—0 (Exhibit 2, Appendix 2)

4. ANNOUNCEMENT

The next regular meeting of the City Council is August 14, 2023 at 7:00 p.m.

5. EXECUTIVE SESSION AND ADJOURNMENT

Council President Pro Tempore Pritchard made a motion that the City Council convenes in executive session to discuss a matter of litigation and that the City Council shall not reconvene upon conclusion of the executive session. The City Attorney certified that the subject matters were allowed to be discussed in executive pursuant to Alabama Law. The motion was seconded by Council President Virginia Smith. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith
William S. Pritchard III
Gerald A. Garner
Lloyd C. Shelton

Nays: None

There being no further business to come before the City Council, Council President Virginia Smith adjourned the meeting at approximately 8:04 a.m.

6. CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the special meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A-108) on July 31, 2023, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

City Clerk Approved by
City Council August 14, 2023

EXHIBIT 1

PROCLAMATION NO. 2023-123

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby awards the bid [B-20230615-875] for the O'Neal Library Water Damage Restoration Project in the amount of \$166,120.00 having been determined by the City to have submitted the lowest bid in conformance with the expressed specifications.

APPENDIX 1

EXHIBIT 2

RESOLUTION NO. 2023-124

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizing additional work with respect to the Cherry Street drainage project where the contractor shall invoice the City separately from the remediation work currently underway related to B-20230109-838.

APPENDIX 2

Receipt by Category

Increase	8.00	Total	8.00	%	0.00%
Subtotal					

Receipt by Room

Total	8.00	100.00%
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Grand Total Areas:

38,417.35	SF Walls
4,000.17	SF Floor
0.00	SF Long Wall
37,881.51	Floor Area
16,946.47	Exterior Wall Area
0.00	Subtotal Area
0.00	Total Perimeter Length

Coverage

Item Total	%	ACV Total	%
0.00	0.00%	0.00	0.00%
0.00	0.00%	0.00	0.00%
0.00	0.00%	0.00	0.00%
0.00	100.00%	0.00	100.00%

General Conditions

QUANTITY	UNIT PRICE	TAX	RCV	DISP/REG.	ACV
352.00	0.00	0.00	0.00	0.00	0.00
1.00	0.00	0.00	0.00	0.00	0.00
2.00	0.00	0.00	0.00	0.00	0.00
3.00	0.00	0.00	0.00	0.00	0.00
4.00	0.00	0.00	0.00	0.00	0.00
5.00	0.00	0.00	0.00	0.00	0.00
6.00	0.00	0.00	0.00	0.00	0.00
7.00	0.00	0.00	0.00	0.00	0.00
8.00	0.00	0.00	0.00	0.00	0.00
9.00	0.00	0.00	0.00	0.00	0.00
10.00	0.00	0.00	0.00	0.00	0.00
11.00	0.00	0.00	0.00	0.00	0.00
12.00	0.00	0.00	0.00	0.00	0.00
13.00	0.00	0.00	0.00	0.00	0.00
14.00	0.00	0.00	0.00	0.00	0.00
15.00	0.00	0.00	0.00	0.00	0.00
16.00	0.00	0.00	0.00	0.00	0.00
17.00	0.00	0.00	0.00	0.00	0.00
18.00	0.00	0.00	0.00	0.00	0.00
19.00	0.00	0.00	0.00	0.00	0.00
20.00	0.00	0.00	0.00	0.00	0.00

Lane Voltage Repairs

QUANTITY	UNIT PRICE	TAX	RCV	DISP/REG.	ACV
1.00	0.00	0.00	0.00	0.00	0.00
2.00	0.00	0.00	0.00	0.00	0.00
3.00	0.00	0.00	0.00	0.00	0.00
4.00	0.00	0.00	0.00	0.00	0.00
5.00	0.00	0.00	0.00	0.00	0.00
6.00	0.00	0.00	0.00	0.00	0.00
7.00	0.00	0.00	0.00	0.00	0.00
8.00	0.00	0.00	0.00	0.00	0.00
9.00	0.00	0.00	0.00	0.00	0.00
10.00	0.00	0.00	0.00	0.00	0.00
11.00	0.00	0.00	0.00	0.00	0.00
12.00	0.00	0.00	0.00	0.00	0.00
13.00	0.00	0.00	0.00	0.00	0.00
14.00	0.00	0.00	0.00	0.00	0.00
15.00	0.00	0.00	0.00	0.00	0.00
16.00	0.00	0.00	0.00	0.00	0.00
17.00	0.00	0.00	0.00	0.00	0.00
18.00	0.00	0.00	0.00	0.00	0.00
19.00	0.00	0.00	0.00	0.00	0.00
20.00	0.00	0.00	0.00	0.00	0.00

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5.00	0.00	0.00	0.00	0.00	0.00
6.00	0.00	0.00	0.00	0.00	0.00
7.00	0.00	0.00	0.00	0.00	0.00
8.00	0.00	0.00	0.00	0.00	0.00
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15.00	0.00	0.00	0.00	0.00	0.00
16.00	0.00	0.00	0.00	0.00	0.00
17.00	0.00	0.00	0.00	0.00	0.00
18.00	0.00	0.00	0.00	0.00	0.00
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3.00	0.00	0.00	0.00	0.00	0.00
4.00	0.00	0.00	0.00	0.00	0.00
5.00	0.00	0.00	0.00	0.00	0.00
6.00	0.00	0.00	0.00	0.00	0.00
7.00	0.00	0.00	0.00	0.00	0.00
8.00	0.00	0.00	0.00	0.00	0.00
9.00	0.00	0.00	0.00	0.00	0.00
10.00	0.00	0.00	0.00	0.00	0.00
11.00	0.00	0.00	0.00	0.00	0.00
12.00	0.00	0.00	0.00	0.00	0.00
13.00	0.00	0.00	0.00	0.00	0.00
14.00	0.00	0.00	0.00	0.00	0.00
15.00	0.00	0.00	0.00	0.00	0.00
16.00	0.00	0.00	0.00	0.00	0.00
17.00	0.00	0.00	0.00	0.00	0.00
18.00	0.00	0.00	0.00	0.00	0.00
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20.00	0.00	0.00	0.00	0.00	0.00

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Minutes & Special Meeting Minutes (O'Neal Library bid).docx

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City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213-3700

Attn: Mr. Sam Gaston, City Manager

Project Reference: Cherry St, Euclid Ave, Lorena Ln and Fairmont Drive
Drainage Improvements
No. B-20230109-838
Bid Date: February 3, 2023
Design Change
Change Order-Cherry Street

Mr. Gaston:

We are requesting a change order for a design change to two items in the original project in the amount of \$21,040. Both project items were originally installed by Gillespie Construction, in accordance with the contract documents. Neither item was installed incorrectly or is deficient in any manner. The need for these changes was realized following the heavy rain event that resulted in the wall failure that is currently under repair by a different contractor, JD Morris Construction. The items are outlined below.

Item 1

Replace a yard inlet with an inlet with greater capacity and less risk of clogging due to debris. This work would involve removing the top of the inlet and the cast iron grate and reconstructing an open throat style top.

Item 2

A new concrete flume is recommended on the uphill side of the new wall (original contract) that was installed at the rear of the lot at 133 Cherry St. The flume will follow the flow path of water along the wall and is intended help to prevent erosion and sediment loss and will protect the wall foundation from being undermined.

At this time, JD Morris is onsite repairing the existing failed wall. That work includes, among others, replacing the driveway at 133 Cherry St. After consideration was given to preserving that new work, we are asking the City to consider contracting JD Morris to perform the Design Change items rather than Gillespie Construction. Otherwise, Gillespie would be required to work on top of the newly constructed driveway and risk damaging it.

For reference, the current status of the contracts related to this project are as follows:

- Gillespie Construction has one primary item of work yet to be completed in the original project. This work includes installing natural stone on the new wall (not the failed one). This would be performed once the wall repair (by JD Morris) is complete.

- JD Morris is only contracted to perform the repair work to the failed wall.

JD Morris has provided a Proposal to perform this Design Change work in the amount of 21,040. Their proposal is attached.

Feel free to reach out to me with any questions related to the request.

SCHOEL ENGINEERING CO., INC.

Mark Simpson, P.E., CFM

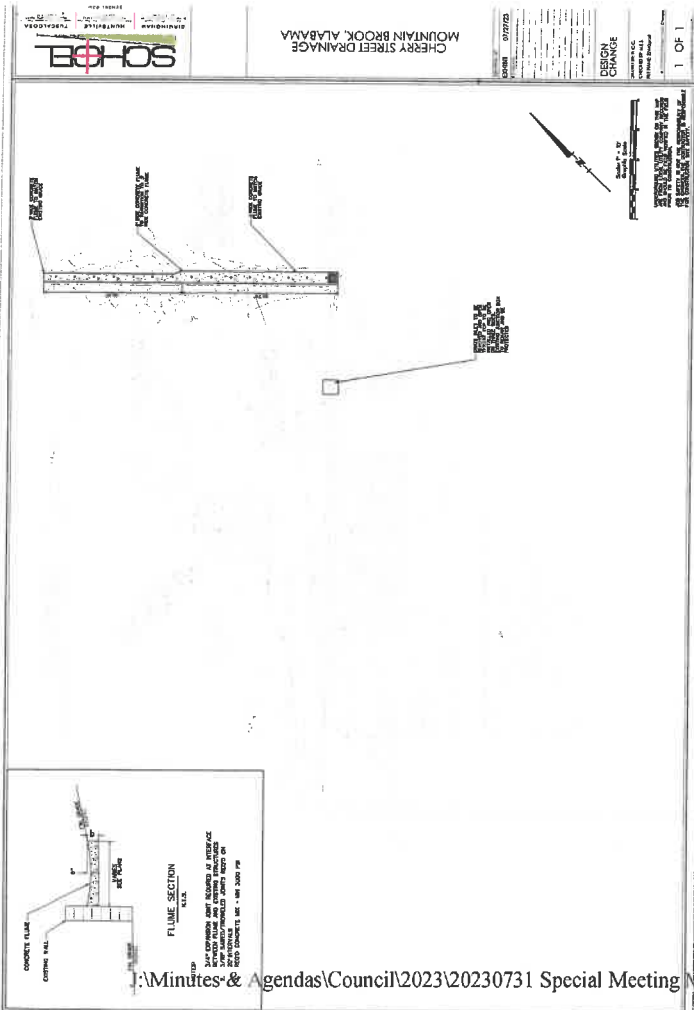
Cc: Mr. Ronald Vaughn, Public Works Director
Mr. Steven Boone, Finance Director

Attachment: Construction Plan Sheet
JD Morris Proposal- Dated July 27, 2023

APPENDIX 2

Established 1898
SCHOEL ENGINEERING COMPANY, INC
1001 28th Street South | Birmingham, AL 35202
P 205-323-8188 | F 205-323-2252 | schoel.com

Established 1961
SCHOEL ENGINEERING COMPANY, INC
1001 28th Street South | Birmingham, AL 35202
P 205-323-8188 | F 205-323-2252 | schoel.com



J. D. MORRIS CONSTRUCTION CO., INC
POST OFFICE BOX 70 • 5645 MYRON CLARK RD
McCALLA, ALABAMA 35111
PHONE: (205) 425-5645 • FAX: (205) 425-7354

Attn: Mark Simpson
msimpson@schoel.com

7/27/23

Ref: City of Mountain Brook
133 Cherry Street
Concrete Flume & New Inlet Top

Dear Sir,
We propose to furnish all Supervision, labor, construction equipment, payroll taxes, and insurance necessary to perform the referenced work in accordance with information received and clarifications below.

- Basic Scope:**
- Perform work as shown on scope of work and documents received.
 - Pour new Concrete Flume
 - Excavate and grade work as required for new flume
 - Compact and level base
 - Formwork for new 99"-4" long 3'-4" (width varies) wide flume
 - Install expansion material board at existing wall structure
 - Seal joint after pour
 - Pour concrete
 - Install new inlet top
 - Remove existing grate inlet top
 - Modify existing catch basin
 - Form and pour new open throat inlet top
 - Open on three (3) side yard inlet
 - Clean up our work as required.

Total..... \$ 21,040

- Clarifications:**
- Overtime is included to take advantage of good weather and to expedite schedule.
 - No moving or relocating of any underground utilities.
 - No removal or replacement of unsuitable materials
 - No third-party testing included
 - No permit cost, fees

We appreciate the opportunity to quote this project.
Regards,

Danny Walker