



AGENDA ACTION FORM

Consideration of a Resolution Approving a Settlement Agreement and Mutual Release with C & C Restoration, Inc. and Authorizing the Mayor to Execute the Same

To: Board of Mayor and Aldermen
From: Chris McCartt, City Manager *CM*

Action Form No.: AF-311-2023
Work Session: October 2, 2023
First Reading: N/A
Final Adoption: October 3, 2023
Staff Work By: Rowlett/Hodgson
Presentation By: Rowlett

Recommendation:

Approve the resolution.

Executive Summary:

This resolution will approve and authorize the mayor to execute a settlement agreement and mutual release between city and C & C Restoration, Inc.

On December 25 and 26, 2022 the Tribe Athletic Complex suffered multiple sprinkler line breaks due to the abnormally cold weather conditions experienced throughout the region. C & C Restoration, Inc. was contacted to provide water remediation services at the TAC.

A dispute arose between city and C & C Restoration, Inc., as to the charges for the services provided at the TAC.

In an effort to amicably resolve the dispute without further controversy, expense, and delay representatives of city and C & C participated in mediation which produced a viable resolution of all disputes and claims between the parties in relation to the services.

The settlement agreement provides that in exchange for a mutual release of claims between the parties city will pay \$850,000 on or before October 6, 2023 for a total payment of \$2,070,063.09 to date.

Funding is available in project GP1733.

Attachments:

- 1. Resolution
- 2. Agreement

	<u>Y</u>	<u>N</u>	<u>O</u>
Cooper	—	—	—
Duncan	—	—	—
George	—	—	—
Montgomery	—	—	—
Olterman	—	—	—
Phillips	—	—	—
Shull	—	—	—