

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 20, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, June 20, 2023, at 9:00 a.m.

Councilmembers:

Present: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Absent:

The meeting was called to order. The Council reviewed and discussed the agenda for their meeting to be held today at 10:30 a.m.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 20, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, June 20, 2023, at 10:30 a.m., for the regular meeting.

The meeting was called to order by City Clerk, Lisa C. Lambert.

Pastor Joe Johnson, Mt. Hebron Church Ministries, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small

Vice-Chairman: Gregory

Councilmembers: Penn, Carroll, Reynolds, and Daves

STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council’s rules of procedure.

APPROVAL OF MINUTES

The minutes of the meeting of June 13, 2023, were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson stated that tickets are now on sale for the grand opening of the Africatown Heritage House on July 8, 2023.

Mayor Stimpson announced that the Mobile Museum of Art will open a new exhibit titled, “Decades: Looking Back/Moving Forward” on June 16, 2023.

Mayor Stimpson congratulated and thanked the 71st graduating class of the Mobile Police Department on last Friday for successfully completing the program on last Saturday.

Chief Paul Prine, Mobile Police Department, presented Allen Stewart as Officer of the Month.

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Chief Johnny Morris, Jr., Mobile Fire-Rescue Department, presented Caleb Watson as Firefighter of the Month of May 2023.

ADOPTION OF THE AGENDA:

Councilmember Daves moved to adopt the agenda, which move was seconded by Councilmember Reynolds and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk whereupon the Presiding Officer declared the agenda adopted.

APPEALS

Request of Mary Woods for a waiver of the Noise Ordinance at 1916 Springhill Avenue on July 4, 2023, from 4:00 p.m. – 10:00 p.m. (District 1).

Councilmember Penn moved to grant the waiver, which motion was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

Request of Willie Green for a waiver of the Noise Ordinance at 7320 Elmo Avenue on June 24, 2023, from 6:30 p.m. – 12:00 a.m. (District 4).

Councilmember Penn moved to grant the waiver, which motion was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the waiver granted.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

AGENDA ITEMS:

James Jackson, Jr., 224 Garrison Avenue, spoke in opposition to Resolution 01-670.

Timothy Hollis, 1924 Seale Street, offered comments in opposition to Resolutions 01-670, 21-702 and Ordinance 88-029.

Reggie Hill, 1007 Center Street, stated that he did not support Resolutions 01-670 and 08-698 and Ordinance 88-029.

Sabrina Mass, 1050 Belvedere Circle, gave comments in opposition to Resolutions 01-670 and 08-698 and Ordinance 88-029.

NON-AGENDA ITEMS:

Michael Pierce, 151 S. Claiborne Street, Provided an update on the Mobile Housing Authority.

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Dan French, 2 Cambridge Court, Fairhope, AL, Asked what actions are going to be taken concerning the building at 325 E. I-65 Service Road S.?

Deborah Cooper, 1202 Shore Acres Drive, Voiced her concerns about animals on chains and improper tethers at the animal shelter.

Ann Jurgens-Pond, 300 S. Georgia Avenue, Expressed concerns about 918 and 920 Conti Street as relating to historic preservation.

Bethany Kraft, 1219 Texas Street, Spoke about the need for adequate speed control on Texas Street.

ORDINANCES HELD OVER

AUTHORIZE THE SALE OF CITY-OWNED PROPERTY LOCATED AT 1621 VIRGINIA STREET. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

ORDINANCE: 88-029-2023

Sponsored by: Mayor Stimpson

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA as follows:

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the real property hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be sold to the Board of School Commissioners of Mobile County:

SEE ATTACHED EXHIBIT 'A'

SECTION TWO: The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and in the name of and on behalf of the City of Mobile, the Agreement for the property shown above.

SECTION THREE: Said Agreement is by reference made a part of this Ordinance as fully as if set forth herein and a copy of such will be on file in the office of the City Clerk of the City of Mobile, 9th Floor, Government Plaza, 205 Government Street, Mobile, Alabama.

SECTION FOUR: The Mayor and City Clerk are also hereby authorized and directed to execute and attest, respectively, for and in the name and on behalf of the City of Mobile, the deed for the property shown above, when said deed is prepared.

SECTION FIVE: Carleen Stout, Real Estate Officer, of the City of Mobile is hereby authorized and directed to negotiate, and to execute for and in the name and on behalf of the City of Mobile, whatever supporting documents, affidavits, closing statements, or other ancillary forms necessary to complete the sale of said property.

SECTION SIX: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

EXHIBIT "A"

Lot 1, Ladd Peebles Stadium Subdivision, according to plat thereof recorded in Map Book 136, page 48 of the records in the Office of the Judge of Probate, Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to hold the ordinance over for one week, which move was seconded by Councilmember Carroll and the vote was as follows:

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Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the ordinance held over for one week until the regular meeting of June 27, 2023.

RESOLUTIONS HELD OVER

AUTHORIZE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MOBILE AND BOARD OF SCHOOL COMMISSIONERS FOR THE PURCHASE OF LADD STADIUM. The following resolution which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-670-2023

Sponsored by: Mayor Stimpson

WHEREAS, it is beneficial to the City of Mobile and serves a public purpose to provide funding to the Board of School Commissioners of Mobile County (School Board) to provide certain immediate and future maintenance and upgrades to the Ladd Peebles Stadium facility and to insure City's continued future use thereof; and

WHEREAS, by separate purchase and sale agreement, and under the terms contained therein, City of Mobile and School Board agree to the transfer of title to Stadium from City to School Board; and

WHEREAS, the City Council of the City of Mobile believes that it is a good, proper and justifiable use of public resources to enter into an agreement to contribute financial assistance to the School Board in furtherance of the above purpose;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation not to exceed \$9,000,000.00 to the Board of School Commissioners of Mobile County, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile the contract attached hereto, or one worded substantially similar thereto, and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory, following comments from Councilmembers Carroll, Daves, and Reynolds the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.

The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-671-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, purchase orders to

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the indicated vendors in the approximate amount stated, and to approve the supporting bid award if required, for the following requisitions as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10686</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10690</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10692</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10694</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10698</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10699</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION

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<u>10700</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$17,250.00	(279229) PETROLEUM TRADERS CORPORATION
<u>10701</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$17,250.00	(279229) PETROLEUM TRADERS CORPORATION
<u>10702</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$17,250.00	(279229) PETROLEUM TRADERS CORPORATION
<u>10705</u>	2023	(2050) FLEET MANAGEMENT GARAGE	LANGAN PARK UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10706</u>	2023	(2050) FLEET MANAGEMENT GARAGE	LANGAN PARK UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10716</u>	2023	(2050) FLEET MANAGEMENT GARAGE	LANGAN PARK UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10717</u>	2023	(2050) FLEET MANAGEMENT GARAGE	LANGAN PARK UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10703</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION
<u>10704</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT UNLEADED FUEL (SEALED BID 5624)	\$18,656.64	(279229) PETROLEUM TRADERS CORPORATION

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO SHI INTERNATIONAL CORP. FOR IPAD TABLETS FOR PLANNING & ZONING DEPARTMENT; \$27,660.60. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-672-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8859</u>	2023	(3044) PLANNING & ZONING	22 IPAD TABLET COMPUTERS FOR PLANNING & ZONING (AL STATE CONTRACT)	\$27,660.60	<u>(272641) SHI INTERNATIONAL CORP</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO SANSOM EQUIPMENT CO., INC. FOR SEWER CAMERA VAN FOR PUBLIC SERVICES DEPARTMENT; \$230,520.87. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-673-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8871</u>	2023	(F7000) MOTOR POOL	ENVIROSIGHT SEWER CAMERA VAN FOR PUBLIC SERVICE MAINTENANCE (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$230,520.87	<u>(190715) SANSOM EQUIPMENT CO INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO TRUCK EQUIPMENT SALES, INC. FOR FORD F450 CREW CAB TRUCK CHASSIS; \$73,012.00. The following ordinance which was

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introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-674-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8885</u>	2023	(F7000) MOTOR POOL	FORD F450 CREW CAB TRUCK CHASSIS WITH WELDER BODY AND CRANE FOR FLEET (SEALED BID 5808)	\$73,012.00	<u>(208560) TRUCK EQUIPMENT SALES INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO TRP CONSTRUCTION GROUP FOR ROAD STRIPING MATERIALS AND SERVICES FOR OLD SHELL ROAD; \$29,820.13. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-675-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10134</u>	2023	(2060) TRAFFIC ENGINEERING	ROAD STRIPING MATERIALS AND SERVICES FOR OLD SHELL ROAD (AL STATE CONTRACT)	\$29,820.13	<u>(297978) TRP CONSTRUCTION GROUP</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

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Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO TSA, INC. FOR 12 HP ELITEBOOK LAPTOP COMPUTERS FOR MIT; \$17,592.00. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-676-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10485</u>	2023	(5000) INFORMATION TECHNOLOGY	12 HP ELITEBOOK 860 G10 LAPTOP COMPUTERS FOR MIT (AL STATE CONTRACT)	\$17,592.00	<u>(279402)</u> <u>TECHNICAL &</u> <u>SCIENTIFIC</u> <u>APPLICATION,</u> <u>INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO EMERGENCY EQUIPMENT PROFESSIONAL, INC. FOR 2 PIERCE SABER PUMPER FIRE TRUCKS; \$1,585,244.00. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-677-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10174</u>	2023	(1510) FIRE ADMINISTRATION	2 PIERCE SABER PUMPER FIRE TRUCKS FOR MFRD (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$1,585,244.00	(294963) <u>EMERGENCY EQUIPMENT PROFESSIONAL, INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO SEEDS FOR CHANGE CONSULTING, LLC FOR CONSULTING SERVICES FOR THE ANIMAL SHELTER; \$28,000.00. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-678-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10730</u>	2023	(1546) ANIMAL SHELTER	CONSULTING SERVICES FOR FUNDING SUPPORT FOR ANIMAL SERVICES (PROFESSIONAL SERVICES)	\$28,000.00	(298537) <u>SEEDS FOR CHANGE CONSULTING LLC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO TENEX SOFTWARE SOLUTIONS FOR ELECTION SOFTWARE SERVICES FOR DISTRICT 6 SPECIAL MUNICIPAL ELECTION; \$30,930.00. The following ordinance which was introduced and read at the regular

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meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-679-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10784</u>	2023	(1030) CITY CLERK	ELECTION SOFTWARE SERVICES FOR COUNCIL DISTRICT 6 SPECIAL ELECTION (SOLE SOURCE TO ACCESS/INTERFACE WITH PROBATE POLL DATA)	\$30,930.00	<u>(297110) TENEX SOFTWARE SOULTIONS</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO IMAGETREND, INC. FOR ANNUAL RENEWAL OF IMAGETREND PATIENT CARE SOFTWARE FOR MFRD; \$24,400.70. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-680-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10766</u>	2023	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF IMAGETREND PATIENT CARE SOFTWARE FOR MFRD (GSA CONTRACT)	\$24,400.70	<u>(295732) IMAGETREND, INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

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Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO MASIMO AMERICAS, INC. FOR 3-YEAR EXTENDED WARRANTY FOR PULSE OXIMETERS FOR MFRD; \$31,970.00. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-681-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8685</u>	2023	(1510) FIRE ADMINISTRATION	THREE YEAR EXTENDED WARRANTY FOR 46 MASIMO RAD-57 PULSE OXIMETERS FOR MFRD (SOLE SOURCE)	\$31,970.00	<u>(280710) MASIMO AMERICAS INC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE PURCHASE ORDER TO SNAP ON INDUSTRIAL FOR SNAP-ON MECHANIC TOOL SET FOR MUNICIPAL GARAGE; \$16,968.51. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 08-682-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8130</u>	2023	(2030) FLEET MANAGEMENT-GARAGE	SNAP-ON MECHANIC TOOL SET FOR MUNICIPAL GARAGE (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$16,968.51	<u>(293449) SNAP ON INDUSTRIAL, A DIVISION OF IDSC HOLDINGS LLC</u>

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH GUARDIAN INTEGRATORS, LLC FOR SECURITY ACCESS CONTROL SYSTEM UPGRADES AT THE CRUISE TERMINAL; \$49,994.99.

The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-685-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be. and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: GUARDIAN INTEGRATORS, LLC

Project Name: CITY OF MOBILE, ALABAMA CRUISE TERMINAL
SECURITY ACCESS CONTROL SYSTEM UPGRADES
CBP OFFICES

Project Number: SR-008A-23

Amount: \$49,994.99

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH JOHN G. WALTON CONSTRUCTION CO., INC., FOR 2022 PAYGO RESURFACING; \$3,837,312.99. The following ordinance which was

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introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-686-2023

Sponsored by: Mayor Stimpson and Councilmembers Reynolds, Daves, District 6, and Gregory

WHEREAS, bids for asphalt milling, overlaying, road repairs, striping and markings for districts 4,5,6 and 7 were received and opened on April 27, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from John G. Walton Construction Company Inc., in the amount of \$3,837,312.99.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by John G. Walton Construction Company Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: John G. Walton Construction Company Inc.

Project Name: 2022 PAYGO Resurfacing - Commission District 2
(D#4-7)

Project Number: 2023-3005-05

Amount: \$3,837,312.99

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory, following comments from Councilmember Reynolds the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE CONTRACT WITH COWLES, MURPHY, GLOVER & ASSOCIATES, INC. FOR WALWAY AND PIERS AT MCNALLY PARK; \$101,450.00. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-687-2023

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed contract will be on file in the office of the City Clerk.

Name of Company: Cowles, Murphy, Glover & Associates, Inc.

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Project Name: Walkway and Piers at McNally Park
Project #2023-3005-18

Estimated Cost: \$101,450.00

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE THE SALE OF CITY-OWNED PROPERTY LOCATED AT 10 N. WATER STREET NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES. The following ordinance which was introduced and read at the regular meeting of June 13, 2023 and held over until the regular meeting of June 20, 2023, was called up by the Presiding Officer.

RESOLUTION: 40-688-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

WHEREAS, the City of Mobile owns real property located at 10 N. Water Street, Mobile, AL 36602 (the subject property), consisting of 1.79 +/- acres, depicted in Exhibit A (attached); and

WHEREAS, the City is not utilizing the property and the current zoning for the property is industrial (I-2); and

WHEREAS, the City would benefit from a sale of the subject property under favorable terms and conditions;

NOW, THEREFORE, the City Council of the City of Mobile hereby RESOLVES:
That it does not object to offering the subject property for sale. In the event the City receives an offer to purchase under favorable terms and conditions, the purchase agreement will be presented to the Council for consideration, and the Council may, if it deems appropriate, adopt an ordinance declaring the property not needed for public purpose and authorizing the execution of the purchase agreement.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 31-689 through 60-694 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

AUTHORIZE A GRANT APPLICATION TO FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION THE FIRST RESPONDERS AND PUBLIC SAFETY GRANT; \$31,440.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 31-689-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the Firehouse Subs Public Safety Foundation, a Notice of Award for grant assistance in the amount of \$31,440.00 for the Mobile Fire-Rescue Department. There is no match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the Firehouse Subs Public Safety Foundation. The Memorandum of Agreement for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

AUTHORIZE A GRANT APPLICATION TO THE STATE OF ALABAMA LAW ENFORCEMENT AGENCY FOR THE FY23 STATE HOMELAND SECURITY GRANT PROGRAMS; \$786,000.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 31-690-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the State of Alabama Law Enforcement Agency (ALEA), a Notice of Award for grant assistance in the amount of \$786,000.00 for the FY 2023 State Homeland Security Grant Program. This program is funded by the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA). There is no local match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by the State of Alabama Law Enforcement Agency or the federal grantor. The Memorandum of Agreement for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

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The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE OFFICER OF THE MONTH; STEWART. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-691-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the following employee:

May 2023: Officer James Stewart

The employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

APPROVE AWARD OF SPECIAL BONUS TO THE FIREFIGHTER OF THE MONTH; WATSON. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-692-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor, upon nomination by City supervisors, recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of \$500 each to the following employee(s):

Firefighter Caleb T. Watson (Emp #18198)

This employee is to be commended for his exemplary work performance or innovations that significantly reduce costs or results in an outstanding improvement in service to the public.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO SPRING HILL COLLEGE SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

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RESOLUTION: 60-693-2023

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$250.00** to Spring Hill College, from his discretionary funds; and

WHEREAS, Spring Hill College., is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to Spring Hill College, will be used to assist with the usage fee towards the Robert Hope Community Center to Teach Africatown, an educational initiative, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$250.00** to Spring Hill College, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

DETERMINE AN APPROPRIATION TO RC AFRICATOWN PLATEAU PACERS SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Reynolds.

RESOLUTION: 60-694-2023

Sponsored by: Councilmember Carroll

WHEREAS, Councilmember Carroll wishes to appropriate **\$500.00** to RC Africatown Plateau Pacers from his discretionary funds; and

WHEREAS, RC Africatown Plateau Pacers is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds to private groups or corporations is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council determines that this appropriation to RC Africatown Plateau Pacers, will be used to assist with the 2nd Annual Community Fun Day on July 8th at Kidd Park in Plateau at 7:00 a.m., which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$500.00** to RC Africatown Plateau Pacers, for the purposes described hereinabove serves a public purpose and the Council further

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approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Reynolds moved to adopt the resolution, which move was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the resolution adopted.

RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO ELECTIONS SYSTEMS & SOFTWARE, LLC FOR ELECTION MATERIALS FOR SPECIAL MUNICIPAL ELECTION; \$16,619.00. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 08-695-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10885</u>	2023	(1030) CITY CLERK	BALLOTS AND ELECTION MATERIALS FOR DISTRICT 6 SPECIAL ELECTION (ELECTION MATERIAL AND SUPPLIES, 41-16-51(A)(2))	\$16,619.00	<u>(295007)</u> <u>ELECTION</u> <u>SYSTEMS &</u> <u>SOFTWARE LLC</u>

APPROVE PURCHASE ORDER TO EMPIRE TRUCK SALES, LLC FOR 5 KNUCKLE BOOM TRUCKS FOR TRASH DEPARTMENT; \$1,121,020.00. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 08-696-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>6635</u>	2023	(F7000) MOTOR POOL	5 KNUCKLE BOOM TRUCKS FOR TRASH DEPARTMENT (SEALED BID 5801)	\$1,121,020.00	<u>(55656) EMPIRE TRUCK SALES LLC</u>

APPROVE PURCHASE ORDER TO HARRELLS, LLC FOR FERTILIZER FOR AZALEA CITY GOLF COURSE; \$24,835.00. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 08-697-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>9938</u>	2023	(F6130) AZALEA CITY GOLF COURSE	FERTILIZER FOR AZALEA CITY GOLF COURSE (SEALED BID 5813)	\$24,835.20	<u>(270772) HARRELLS LLC</u>

APPROVE PURCHASE ORDER TO HELLAS CONSTRUCTION, INC. FOR SYNTHETIC TURF FOR LADD-PEEBLES STADIUM; \$470,352.00. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 08-698-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11097</u>	2023	(3032) ARCHITECTURAL ENGINEERING	SYNTHETIC TURF FOR LADD-PEEBLES STADIUM (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$470,352.00	<u>(298422) HELLAS CONSTRUCTION INC</u>

APPROVE PURCHASE ORDER TO QUANTICO TACTICAL, INC. FOR PATROL RIFLE OPTICS FOR MPD; \$44,172.00. The following resolution was held over until the regular meeting of June 27, 2023.

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RESOLUTION: 08-699-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10847</u>	2023	(1530) POLICE ADMIN SERVICES	100 AIMPOINT PATROL RIFLE OPTICS FOR MPD (GSA CONTRACT)	\$44,172.00	<u>(297215)</u> <u>QUANTICO</u> <u>TACTICAL INC</u>

TRANSFER FUNDS FROM CAPITAL IMPROVEMENT PROJECT ENGINEERING, ROW AND TESTING TO PROJECT G-ACAMP-23; \$45,000.00. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 09-700-2023

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$45,500.00 be transferred from capital improvement project C0049 (20002000.94070) Engineering, ROW, and Testing to Project G-ACAMP23 (50005000.93030). These funds will be reallocated and used as match for the Alabama Department of Conservation and Natural Resources (ADCNR) Coastal Area Management Program Grant.

AUTHORIZE CONTRACT WITH BAY AREA CONTRACTING, INC., FOR CITY-WIDE FACILITY PARKING LOT RESURFACING AND SPOT STREET REPAIR; \$1,111,786.10. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 21-701-2023

Sponsored by: Mayor Stimpson and Councilmembers Penn, Carroll, Small, Reynolds, Daves, District 6, Gregory

WHEREAS, bids for parking lot resurfacing and spot street repairs for districts 1,2,3,4,5,6 and 7 were received and opened on May 17, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from Bay Area Contracting, Inc., in the amount of \$1,111,786.10.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by Bay Area Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract with the company listed below for work as outlined in the contract attached hereto and made a part hereof as through set forth in full. A copy of said contract is on file in the office of the City Clerk:

Name of Company: Bay Area Contracting, Inc.

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Project Name: City Wide Facility Parking Lot Resurfacing and Spot Street Repair (D #1-7)

Project Number: 2023-3005-10

Amount: \$1,111,786.10

AUTHORIZE CONTRACT WITH J PAYNE ORGANIZATION, LLC, FOR RELOCATION OF HANK AARON'S HOME FROM ITS CURRENT LOCATION TO A NEW LOCATION; \$124,500.00. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 21-702-2023

Sponsored by: Mayor Stimpson and Councilmember Penn

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of Company: JPAYNE ORGANIZATION, LLC

Project Name: HANK AARON HOUSE RELOCATION

Project Number: PR-030-22

Amount: \$124,500.00

AUTHORIZE A GRANT APPLICATION TO THE ALABAMA EMERGENCY MANAGEMENT AGENCY FOR THE HAZARD MITIGATION GRANT PROGRAM; \$400,000.00 (25% LOCAL MATCH OF \$100,000.00). The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 31-703-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor is authorized to apply, accept and receive from the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), funded through the Alabama Emergency Management Agency, a Notice of Award for grant assistance in the amount of \$400,000.00 for the Hazard Mitigation Grant Program. There is a 25% match requirement.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant if offered and to sign any agreements or other documents in connection with the grant application and to provide any information required by DHS/FEMA and the Alabama Emergency Management Agency. Any agreements for grant assistance, together with the exhibits, shall be filed with the City Clerk after award and execution.

BE IT FURTHER RESOLVED that the Mobile City Council authorizes the expenditure of a 25% match in the amount of \$100,000.00 if said grant is awarded for a total project cost of \$500,000.00.

AUTHORIZE LEASE AGREEMENT BETWEEN THE CITY OF MOBILE AND THE BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY. The following resolution was held over until the regular meeting of June 27, 2023.

RESOLUTION: 35-704-2023

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Sponsored by: Mayor Stimpson

LEASE AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____, 2023, by and between the **City of Mobile** (which will hereinafter be referred to as the “**City**”) and the **Board of School Commissioners of Mobile County**, (which will hereinafter be referred to as the “**Tenant**”) (collectively the “**Parties**”).

WITNESSETH

WHEREAS, the City is the fee owner of the parcels described in Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, the parcels described in Exhibit A have been subject to a 99-year lease entered into between the Parties on February 13, 1973 and amended May 29, 1973 to correct the legal description (the 99-year lease and all amendments thereto together will collectively be referred to herein as the “**Original Lease**”), and Tenant has been operating Williamson High School (“**Williamson**”) on said parcels pursuant to the terms thereof;

WHEREAS, the Original Lease became void when neither the Original Lease itself nor a memorandum thereof was recorded within the time frame required under Ala. Code § 35-4-6; and

WHEREAS, the Parties desire to enter into this Agreement so that there is an enforceable lease agreement providing the terms under which the Tenant may continue to lease and use the parcels described in Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the Parties hereto agree that this Lease shall supersede and replace the Original Lease, and further agree as follows:

1. Agreement to Lease:

(a) Tenant agrees to lease from the City the parcels described in Exhibit A and shown in Exhibit B (the “**Leased Premises**”) on the terms and conditions hereinafter set out for the “**Lease Term**” which shall be a 99-year period beginning on the above-stated date being the same date this Agreement was executed by both Parties (the “**Commencement Date**”) and ending on the 99th anniversary of the Commencement Date.

2. Leased Premises:

(a) Tenant has inspected the Leased Premises, and accepts it “AS IS” and has concluded it is adequate for Tenant’s continued operation of Williamson High School and the construction of a new stadium.

(b) Tenant understands that Parcel G referenced in Exhibit A shall be included in the “Leased Premises,” and subject to this Agreement, as soon as the parcel has been properly vacated by the City. Once the vacation document has been recorded by the City, the Parties agree to enter an amendment agreement updating the legal description for Parcel G in Exhibit A.

(c) Tenant shall not make any alterations to the Leased Premises without the prior written consent of the majority of its Board, however, if the Board’s bylaws require unanimous consent for such action to be taken, then such unanimous consent shall be required in order for the alternation to be permitted by this Agreement.

3. Occupancy and Use:

(a) Tenant may occupy the Leased Premises at all times during the Lease Term.

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(b) Nothing contained herein is intended to restrict the right of entry or access of the City, its designees, its staff, and emergency and security personnel, it being specifically acknowledged by the Tenant that the City, its designees, its staff, and emergency and security personnel, shall have access to and right of entry to all areas of the Leased Premises at all times, except that access to any buildings including the planned new stadium on the Leased Premises shall require prior consent from the Tenant, which shall not be unreasonably withheld.

4. Rent, Expenses, and Costs:

(a) As consideration for the use of the Leased Premises, Tenant shall pay the City, rent in the amount of **One and No/100 Dollars (\$1.00)** for the entire Lease Term, receipt of which is hereby acknowledged by the City.

(b) The Tenant shall be responsible for ensuring that Tenant employs or contracts for a reasonable amount of security and maintenance personnel on the Leased Premises at the times needed throughout the Lease Term, and Tenant shall be solely responsible for maintenance, repairs, cleanup and any damages with respect to the Leased Premises which were not caused by the City.

5. Taxes, Licenses, Permits, Assessments:

(a) The Tenant shall be responsible for the collection and payment of any taxes, including sales taxes, that are due to state or local government from proceeds received by Tenant as a result of the occupancy of use of the Leased Premises or the performance of any service by Tenant upon the Leased Premises, or as a result of the sale by Tenant of tickets to a sporting event or any other item, novelty or commodity sold at the Leased Premises by Tenant.

(b) The Tenant shall be responsible for ensuring that Tenant obtains all necessary State and local business licenses required for Tenant's operation and use of the Leased Premises. Copies of all licenses and permits shall be provided by Tenant to the City upon written request from the City.

(c) The City shall not be liable for the payment of any tax, late charge, or penalty of any nature incurred by Tenant in Tenant's use of the Leased Premises, or any revenue received by or payments made to or by Tenant. Tenant shall pay and discharge as they become due, promptly and before delinquency, all taxes, assessments, rates, damages, license fees, municipal liens, levies, excises or imposts, whether general or special or ordinary or extraordinary, or every name, nature and kind whatsoever, including all governmental charges of whatsoever name, nature or kind, which may be levied, assessed, charged or imposed, or which may become a lien or charge against this Agreement or the property of the Tenant or of the City, caused or incurred by Tenant in its use of the Leased Premises.

6. Limitations on Use:

(a) Tenant shall not commit, allow or permit:

(i) Any waste or damage to, on, or about the Leased Premises;

(ii) Any unlawful or immoral uses or acts in, on, or about the Leased Premises;

(iii) Any uses or acts so as to injure persons or property in, on or about the Leased Premises; or,

(iv) Any nuisance in, on, or about the Leased Premises.

(b) Tenant shall comply with all legal requirements governing the use and the occupancy of the Leased Premises contemplated by this Agreement.

(c) Tenant shall not cause or permit Hazardous Material to be used, stored, or generated on, or transported to and from the Leased Premises in amounts prohibited by any applicable local, state or federal environmental law. "Hazardous Material" shall mean, without limitation, those substances included within the definitions of "hazardous

substances”, “hazardous materials”, toxic substances”, or “solid waste” in any applicable local, state or federal environmental law.

7. Civil Rights Act.

During the performance of this Agreement, Tenant shall comply fully with Title VI and Title VII of the Civil Rights Act of 1964, as amended, and all other regulations promulgated thereunder, in addition to all applicable state and local ordinances concerning Civil Rights.

8. Americans With Disabilities Act.

Tenant shall be responsible for ensuring that the Leased Premises complies and continues to comply in all respects with the ADA, including accessibility, usability and configuration insofar as Tenant modifies, rearranges or sets up the Leased Premises in order to accommodate Tenant’s usage. Tenant shall be responsible for any violations of the ADA on the Leased Premises as long as such violation was not caused by the City.

9. Insurance.

Tenant is self-insured for General Liability under the Alabama Trust for Boards of Education (\$1,000,000 for each claim made, \$2,000,000 in the aggregate).

10. Termination and Default.

The bankruptcy or insolvency of the Tenant, the failure to retain the liability coverage described above or similar coverage, Tenant’s failure to secure the proper licenses or permits (those required by applicable law), or Tenant’s failure to perform any other obligations hereunder shall be an “**Event of Default**” by Tenant. The City shall have the right to terminate this Agreement if Tenant ceases to use the Leased Premises for the purposes described herein.

The waiver by either party of any Event of Default, or other default, breach or violation of the terms of this Agreement, or the failure by either Party to enforce any of the provisions of this Agreement, or any rights herein, shall not in any respect limit, prejudice, diminish or constitute a waiver of any other right to otherwise act as allowed by law or this Agreement with respect to that Event of Default, default, breach or violation or of any continuing, prior, contemporaneous, or subsequent Event of Default, default, breach or violation, or to enforce any provisions or rights allowed under this Agreement.

11. Assignment:

This Agreement is not assignable or transferable without the prior written approval of the other Party. Tenant shall not encumber, hypothecate, or otherwise use as security its interests in this Agreement for any purpose whatsoever without the express written consent of the City.

This Agreement and the rights and obligations set forth herein shall inure only to the benefit of, and be binding only upon, the Parties hereto and their respective permitted successors and assigns. This Agreement shall not be construed as giving any person, other than the Parties hereto and their permitted successors and assigns any legal or equitable right, remedy or claim under or arising out of this Agreement, it being for the sole and exclusive benefit of the Parties and their permitted successors and assigns.

12. Severability:

The invalidity or unenforceability of any particular provision, or part of any provision, of this Agreement shall not affect the other provisions or parts hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions or parts were omitted.

17. Headings:

The paragraph headings are meant to be descriptive only and are not intended to affect or limit the content of the paragraph, nor are they to be used in interpreting the meaning of the paragraph or of this Agreement, it being intended that they only be used as a means to reference the provisions of this Agreement.

18. Singular and Plural:

Whenever the context shall so require, the singular shall include the plural, and the plural shall include the singular.

19. Counterparts:

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original copy of this Agreement.

20. Notices:

Any notice given pursuant to this Agreement shall be in writing and shall be transmitted to the City or to the Tenant, as the case may be as follows:

Notice to the City:

205 Government Street
Mobile, AL 36602
Attn: City Clerk

With copy to:

205 Government Street
Mobile, AL 36602
Attn: City Attorney

Notice to the Tenant:

Board of School Commissioners of Mobile County
Attn: Superintendent
1 Magnum Pass (physical)
P.O. Box 180069 (mailing)
Mobile, Alabama 36618

Any changes to the notice information for the Parties above must be provided to the other Party in advance and in writing.

21. Governing Law:

This Agreement shall be governed by and construed in accordance with the internal laws of the State of Alabama without giving effect to otherwise applicable principles of conflicts of law. Venue shall be in the Circuit Court of Mobile County, Alabama.

22. Entire Agreement:

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings with respect thereto. No other agreements, representations, warranties or other matters, whether oral or written, will be deemed to bind the Parties hereto with respect to the subject matter hereof. This Agreement shall not be altered, modified or amended in whole or in part, except in writing executed by each of the Parties hereto.

23. Force Majeure:

The Parties shall be liable to or responsible to the other for any future performance (future performance does not include the payment of monies then owed) prevented by an act of God, an occurrence of nature, pandemic, epidemic, an act of war, or because of a governmental prohibition.

EXHIBIT A

That real property situated in the County of Mobile, State of Alabama, described as follows, to-wit:

Parcel A

That parcel of land being bounded by a line described as follows, to wit: Commencing at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, run thence West along the Half Section line 240.00 feet to a point; thence run South 00 degrees, 12 minutes East, 339.20 feet to the point of beginning of the property herein described; thence continue South 00 degrees 12 minutes East, 451.75 feet to a point, said point being the Southeast corner of property conveyed to Pate by Sweeney, by instrument recorded in Deed Book 572, page 132 of the Probate Court Records of Mobile County, Alabama; thence run West along the South line of property conveyed to Pate by Sweeney, a distance of 840.42 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company; thence run North along said East line, and a projection thereof a distance of 295.60 feet to a point; on the North line of said 100 foot right of way; thence run West along said North line and a projection thereof a distance of 246.72 feet, more or less, to a point on the East line of Antwerp Street; thence along the East line of Antwerp Street run North 605.36 feet to the Southeast corner of Antwerp and Dublin Streets; thence along the South line of Dublin Street run North 69 degrees 44 minutes East, 398.15 feet to the Southwest corner of Dublin Street and Swallow Drive; thence along the West line of Swallow Drive run South 00 degrees 01 minutes West, 636.82 feet to a point where the South line of Kingbird Drive, if extended Westwardly, would intersect; thence along said extension and along the South line of Kingbird Drive run South 89 degrees 59 minutes East, 441.80 feet to the P.C. of a curve to the left, said curve having a radius of 172.37 feet; thence along the arc of said curve and along the South line of Kingbird Drive run Eastwardly 134.69 feet to a point which bears North 67 degrees 37 minutes 50 seconds East, 131.29 feet from the P.C. of said curve; thence run South 89 degrees 59 minutes East, 149.28 feet to the point of beginning.

Parcel B

That parcel of land being bounded by a line more particularly described as follows, to-wit: From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.00 feet to a point, thence South 0 degrees 07 minutes 30 seconds East a distance of 494.40 feet to a point, thence West a distance of 937.75 feet to the point on the West line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence South and along said West line parallel with the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the North line of property conveyed by John C. McAleer, Sr. to James Smith and Johnnie V. Smith by deed dated October 1, 1956 and recorded in Real Property Book 323, page 619 of the records in the Office of the Judge of Probate of Mobile County, Alabama, thence West and along said North line a distance of 145.0 feet to a point of the East line of Antwerp Street, thence North along the East line of Antwerp Street a distance of 284.6 feet, more or less to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 145.00 feet to the point of beginning.

Parcel C

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama run West a distance of 240.00 feet to a point, thence South 0 degrees, 07 minutes, 30 seconds East a distance of 494.40 feet to a point, thence South 0 degrees, 12 minutes East, a distance of 295.6 feet to the point of beginning of the property herein described (said point being on the South line of the property of J. F. Pate), thence continue South 0 degrees 12 minutes East a distance of 199.75 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 201.12 feet to the Northeast corner of Gaynor Street and Swan Drive, thence North 0 degrees 02 minutes, 45 seconds West along the

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East line of Swan Drive a distance of 199.75 feet to a point on the South line of said Pate property, thence East and parallel with the North line of Gaynor Street a distance of 200.86 feet to the point of beginning.

Parcel D

From the Northeast corner of the Northeast One-Quarter of the Southeast One-Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet; thence South 0 degrees 07 minutes 30 seconds East a distance of 494.4 feet to a point; run thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street; run thence West along the North line of Gaynor Street a distance of 839.46 feet to the East line of the 100 foot right of way of Alabama Power Company for the point of beginning of the property herein described; thence continue West along the North line of Gaynor Street a distance of 100 feet to a point on the West line of said right of way; run thence North along said West right of way line a distance of 495.35 feet to an angle point in said right of way line, run thence East and along the North line of said right of way a distance of 100 feet to a point on the projection of the East line of said right of way; run thence South along the projection of and along the said East line 495.35 feet to a point on the North line of Gaynor Street which is the point of beginning.

Parcel E

From the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 1 West, Mobile County, Alabama, run West a distance of 240.0 feet, thence South 0 degrees, 07 minutes 30 seconds East, a distance of 494.4 feet to a point, thence South 0 degrees 12 minutes East a distance of 495.35 feet to a point on the North line of Gaynor Street, thence West along the North line of Gaynor Street a distance of 251.12 feet to the Northwest corner of Gaynor Street and Swan Drive for the point of beginning of the property herein described, thence continue West along the North line of Gaynor Street a distance of 588.34 feet to a point on the East line of the 100 foot right of way of the Alabama Power Company, thence North on said East line a distance of 199.75 feet to a point on the South line of the property of J. F. Pate, thence East and along said South line and parallel with the North line of Gaynor Street a distance of 157.25 feet to a point on a 84 foot radius curve to the left and the South line of Kingfisher Drive, thence Southeastwardly along the arc of said curve and the South line of Kingfisher Drive a distance of 54.99 feet to the point of tangency, thence North 89 degrees 58 minutes 30 seconds East along the South line of Kingfisher Drive a distance of 375.94 feet to the Southwest corner of Kingfisher Drive and Swan Drive, thence South 0 degrees 02 minutes 45 seconds East along the West line of Swan Drive a distance of 180.59 feet to the point of beginning.

Parcel F

That portion of the vacated right of way of Swan Street lying North of Gaynor Street and South of the property conveyed to the City of Mobile, a municipal corporation, by Warranty Deed dated September 16, 1969 and recorded in Real Property Book 932, page 87.

Parcel G

The vacated right of way of Kingfisher Drive as evidence by _____.

ANNOUNCEMENTS

Councilmember Carroll stated that he wanted to protect the culture of Ladd-Peebles Stadium to make sure it remains a vibrant part of the community.

Councilmember Penn said that he was not in opposition of selling Ladd-Peebles Stadium to the School Board, but he wanted to make sure it was done right and that stadium would continue to thrive.

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Councilmember Gregory reminded citizens that the Distinguished Young Women were in Mobile until Saturday, June 24, 2023.

Councilmember Gregory stated that tickets were on sale at the Civic Center for the 66th Annual National Finals for the Distinguished Young Woman for 2023 on Saturday, June 24, 2023, at 7:00 p.m.

Councilmember Gregory encouraged citizens to remind their children to obey traffic laws when riding bicycles and scooters in their neighborhoods.

Councilmember Gregory informed citizens that the resurfacing of the Hillsdale Recreation Center will begin soon.

Councilmember Small mentioned that he would be announcing a "Back To School Rally" next week.

Councilmember Reynolds moved to adjourn the meeting, which move was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:02 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK