<u>MUNICIPAL BUILDING, MOBILE, ALABAMA, DECEMBER 11, 2018</u>

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, December 11, 2018, at 9:00 a.m.

Present:	
Chairman:	Manzie
Councilmembers:	Richardson, Small, Williams, Daves, Rich and Gregory
Absent:	None

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.

Wanda Cochran, Council Attorney, provided the following written declaration:

"December 11, 2018

Attorney-Client Memorandum

To: Members, Mobile City Council

Copy: Lisa Lambert, City Clerk

From: Wanda Cochran, Council Attorney

Re: Executive Session Declaration for 12/11/18 Council Meeting

This will confirm that as attorney for the Mobile City Council I have requested a meeting of the members of the City Council to discuss with the legal ramifications of, and legal options for, the litigation that was filed last week styled Stimpson v. Richardson, et al. in the Circuit Court of Mobile County, Alabama. An executive session is authorized under the exception provided under section 7(a)(3) of the Alabama Open Meetings Act (Ala. Code § 36-25A-7), and this letter constitutes my written opinion as an attorney licensed to practice law in Alabama that Section 7(a)(3) of the Act is applicable to such an attorney-client discussion.

The Office of the General Counsel of the Alabama State Bar has previously issued a formal opinion addressing the professional obligation of an attorney representing a governmental body: "[I]f an attorney representing a public entity that comes within the scope of this [Open Meetings] statute makes a good faith professional judgment that a meeting with his client is for the purpose of imparting legal advice and discussing strategy concerning pending litigation, contemplated litigation or other purely legal matter, the attorney would not be guilty of violating any of the provisions of the Code of Professional Responsibility of the Alabama State Bar by insisting that the meeting be held in closed or executive session and if the attorney is of the opinion that it would be detrimental to the best interest of his client to allow public access to the meeting, he would be guilty of a violation of the Code of Professional Responsibility should he not insist upon a closed or executive meeting." OGC Opinion 1995-09. I am of the opinion that it would be detrimental to the best interest of the City as my client to allow public access to any meeting in which my comments and opinions are sought by the Council on the legal ramifications and legal options in question. As part of my professional responsibility to the City I must insist that any such meeting be conducted as an executive session as permitted under Section 7(a)(3) of the Open Meetings Act.

As provided in the Open Meetings Act, if any deliberation begins among the members of the Council regarding what Council action to take based on the advice of counsel, the executive session shall be concluded and the deliberation shall be conducted in the open portion of the meeting or deliberation shall cease.

Please note:

1. The motion to enter executive session must state the reason (to discuss possible litigation);

2. Before the vote, I should be called upon to state that I have previously provided a written declaration to the council;

3. There must be a roll call vote recorded in the minutes; and,

4. Prior to entering executive session, the vice-president should announce whether the body will reconvene after the session, and if so, the approximate time the body expects to reconvene."

Councilmember Richardson then moved to enter into executive session and to convene the regular Council meeting at the close, which move was seconded by Councilmember Small and the vote was as follows:

Ayes: Manzie, Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the meeting adjourned.

Approved: December 18, 2018

COUNCIL VICE PRESIDENT

CITY CLERK

MUNCIPAL BUILDING, MOBILE, ALABAMA, DECEMBER 11, 2018

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, December 11, 2018, at 10:30 a.m., in regular meeting.

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

Pastor Micah Gaston, 3Circle Church Midtown, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman:	Manzie
Councilmembers:	Richardson, Small, Williams, Daves, Rich and Gregory
Absent:	None

STATEMENT OF RULES BY PRESIDING OFFICER:

The Presiding Officer stated that all cell phones must be turned off and that there will be no hats, hoods, sunglasses or large bags permitted in the meeting room.

1) Any person desiring to address the Council must register upon entering the meeting area. When addressing the Council, the speaker must state his/her name and address.

2) Each speaker is allowed five minutes to address the Council. A bell will sound to indicate the end of 4 minutes. One minute is allowed for summarizing. The second bell indicates the time has expired.

3) To maintain decorum, there will be no undue applause and/or public outcry allowed.

4) When addressing the Council, there is to be no personal address to any individual Councilmember. All statements are to be made to the Chair who will recognize any Councilmember who wishes to respond.

5) Any person desiring to speak to the Council on a non-agenda item must contact the City Clerk's Office no later than 2:00 p.m. on the Thursday prior to the Council Meeting. The subject he/she wishes to address must be identified. Any person attending the meeting who has not given proper notice to the Clerk's Office and wishes to speak on a non-agenda item will not be allowed to address the Council.

6) Those persons desiring to speak on agenda items must indicate the resolution, ordinance, appeal, or public hearing item on arrival when signing in for the meeting.

APPROVAL OF MINUTES:

The minutes of the meeting of December 4, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

None.

REPORTS OF COMMITTEES:

None.

ADOPTION OF THE AGENDA:

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

Ayes: Manzie, Richardson, Small, Williams, Daves, Rich and Gregory
Nays: None

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

APPEALS:

The Council considered the request of Andrea Ramjus for a waiver of the Noise Ordinance at 1942 La Pine Drive on December 15, 2018, from 3:00 p.m. until 10:00 p.m. (District 1).

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

Ayes: Manzie, Richardson, Small, Williams, Daves, Rich 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:

1. Reggie Hill, 1007 Center Street, asked questions regarding Ordinance 14-034.

2. Irene Antone, 2202 Clinton Street, addressed the Council regarding Resolution 21-845.

3. Ann Davis, 967 Westbury Drive, asked the Council to vote in favor of Ordinance 14-034.

NON-AGENDA ITEMS:

1. Marty O'Malley, Larche, 151 South Ann Street, provided information about the Mobile Marathon in January.

2. Jerryln London, 1169 Heron Lakes Circle, voiced her concerns regarding funds allocated for Ladd-Peebles Stadium that have not been disbursed.

3. Wesley Young, 358 Jane Street, asked when Public Works employees would receive the 5% pay increase the Council included in the 2019 budget.

4. David Preston, 4161 Winchester Drive, expressed his opinion concerning the lawsuit Mayor Stimpson filed against the City Council.

CONSENT RESOLUTIONS HELD OVER:

DECLARE THE STRUCTURE AT 1012 NEW ST. FRANCIS STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution, which was introduced and read at the regular meeting of Tuesday, November 20, 2018 and held over until the regular meeting of December 4, 2018, and held over once more until the regular meeting of December 11, 2018 was called up by the Presiding Officer.

RESOLUTION: 40-805-2018

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the structure at 1012 New St. Francis Street has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 4, 6, 7, 8, 14 and 15; and

WHEREAS, the Mobile City Council has held a public hearing to determine whether said structure constitutes a public nuisance;

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 1012 New St. Francis Street described as:

COM AT NE COR OF THE INTERSECTION OF NEW ST FRANCIS ST AND PINE ST & RUNNING TH ELY ALG THE N/L OF NEW ST FRANCIS ST A DIS OF 42.4 FT M/L TO PT ON EXISTING FENCE LINE BETWEEN PPTY CONVEYED & PPTY NOW OR FORMERLY BELONGING TO APPLETON E. PRITCHARD & DRURY O PRITCHARD LYING IMMEDIATELY EAST THEREOF RUNNING TH NLY ON & ALG SAID FENCE LINE A DIS OF 114.2 FT M/L TO PT ON EXISTING FENCE LINE IN REAR OF PPTY HEREIN CONVEYED RUNNING TH WLY ON & ALG SAID FENCE LINE A DIS OF 43.2 FT M/L TO PT ON E/L OF PINE ST RUNNING TH SLY ALG E/L OF PINE ST 115.7 FT M/L TO POB ALL ACCORDING TO PLAT OF SURVEY MADE BY DURANT ENGINEERING CO DTD 7/15/42 DEED BK 329 NS P 411 #SEC 40 T4S RIW #MP29 06 40 0 009

Parcel number: 29 06 40 0 009 229

Last assessed to: BENNETT LARRY D & LELA L is found and determined by the Mobile City Council to be dangerous and unsafe to the extent that it is a public nuisance and a blighted property, and it is hereby ordered that said structure be repaired or demolished in accordance with the terms of said Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances."

BE IT FURTHER RESOLVED the City Clerk of the City shall mail a certified copy of this resolution by registered or certified mail to the interested persons listed above, and a certified copy of this resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of this resolution shall also be filed in the Office of the Judge of Probate of Mobile County, Alabama.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Small.

Councilmember Rich moved to hold the resolution over for three (3) weeks until the regular meeting of Thursday, January 3, 2018, which move was seconded by Councilmember Gregory. Following comments from Councilmembers Rich, Gregory, Daves, Richardson and Manzie the vote was as follows:

Ayes: Rich, Gregory
Nays: Richardson, Manzie, Small, Williams and Daves

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the motion to hold the resolution over denied.

The Presiding Officer then called for the vote on the original motion and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves and Gregory
Nays: Rich

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

RESOLUTIONS HELD OVER:

RESCIND AND SUPERCEDE RESOLUTION 09-005 AND RE-ALLOCATE $55,485.00 FROM CAPITAL PROJECT (C0340), AIRPORT BOULEVARD 2018 TAP 20002000.48050 ARCHITECTURAL, TO GRANT FUND (G-TAPAIRPT) TAPMB-TA 18(903) SIDEWALKS ON AIRPORT BOULEVARD, DISTRICT 6, 50015001.48010 CONSTRUCTION. The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 09-842-2018

Sponsored by: Councilmember Rich and Mayor Stimpson

WHEREAS, the City Council previously approved Resolution No. 09-005 on January 9, 2018, to reallocate the sum of $75,000.00 from Capital Project #C0340 in the Capital| Improvement Fund (2000) to the Grant Fund FTA/FHWA (5001) General Ledger Number 50015001.93030. The funds were designated for use as a grant match to construct sidewalks along Airport Boulevard; and,

WHEREAS, Resolution 09-005 did not include a specified grant project account, therefore the funds were not reallocated from the Capital Improvement Fund to the Grant Fund; and

WHEREAS, Resolution 21-327 adopted on May 15, 2018 allocated a sum of $19,515.00 for design engineering services for sidewalks along Airport Boulevard from Capital

Project #C0340, a known cost that is not eligible for reimbursement through the awarded grant for said project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that Resolution No. 09-005 is hereby rescinded and superseded and that the sum of $55,485.00 be reallocated from Capital Project (00340) Airport Boulevard TAP 2018 20002000.48050 Architectural to Grant Fund (G-TAPAIRPT) Transportation Alternative Project TAPMB-TA18(903) – Sidewalks on Airport Boulevard 50015001.48010 Construction.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

REALLOCATE $265,412.50 FROM C0077 (BLDG. ACQUISITION-RECYCLE CENTER) TO C0019 (CAPITAL BUILDING ACQUISITIONS FUND). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 09-843-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of $265,412.50 be re-allocated from C0077 (BLDG ACQUISITION - RECYCLE CENTER) to C0019 (CAPITAL BUILDING ACQUISITIONS FUND).

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

REALLOCATE $113,197.02 FROM CAPITAL PROJECT #C0164, CITY-WIDE ROOF REPAIRS TO CAPITAL PROJECT #C0428-WATERFRONT-GULFQUEST ROOF REPAIRS. The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 09-844-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of $113,197.02 be re-allocated from Capital Project #C0164 City-Wide Roof Repairs to Capital Project #60428-Waterfront-GulfQuest Roof Repairs.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH MCCRORY AND WILLIAMS, INC. FOR SIDEWALKS ALONG BIT & SPUR ROAD CE&I, $26,158.60 (G-TAPBITSP; TAPMB-TA16[946]). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-845-2018

Sponsored by: Councilmember Daves and Mayor Stimpson

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, by and between the City of Mobile, and the company listed below; to provide construction engineering and inspection services for the construction of sidewalks along Bit & Spur Road, 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: McCrory and Williams, Inc.

Project name: TAPMB-TA16(946) Sidewalks Along Bit and Spur Road

Capital project no.: G-TAPBITSP

Amount: $26,158.60

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH C. THORTON, INC. FOR CONSTRUCTION OF SIDEWALKS ALONG BIT & SPUR ROAD, $248,069.70 (GRANT FUNDS $159,573.88; MATCHING FUNDS $116,893.47) (G-TAPBITSP TAPMB-TA16 [946]). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-846-2018

Sponsored by: Councilmember Daves and Mayor Stimpson

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, by and between the City of Mobile, and the company listed below; for the construction of sidewalks along Bit & Spur Road, 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: C. Thorton, Inc.

Project name: TAPMB-TA16(946) Sidewalks Along Bit and Spur Road

Capital project no.: G-TAPBITSP

Amount: $248,069.70

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory. Following comments from Councilmember Daves the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH T. BATCHELOR & SON, INC. FOR WESTERN ADMINISTRATIVE COMPLEX-S.W.A.T. GARAGE-HVAC REPLACEMENT, $51,076.00 (MX-278-17). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-847-2018

Sponsored by: Councilmember Gregory and Mayor Stimpson

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 a though set forth in full. A copy of said contract is on file in the office of the City Clerk.

Name of company: T. Batchelor & Son, Inc.

Project name: Western Administrative Complex
S.W.A.T. Garage - HVAC Replacement

Project number: MX-278-17

Amount: $51,076.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH R. CARTER & ASSOCIATES, INC. FOR VENT HOOD CLEANING-ARTHUR R. OUTLAW CONVENTION CENTER, $13,680.00 (SC-038-18). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-848-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

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: R. Carter & Associates, Inc.

Project name: Vent Hood Cleaning
Arthur R. Outlaw Convention Center

Project number: SC-038-18

Amount: $13,680.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH SANDERS HYLAND CORPORATION FOR CITY OF MOBILE, ALABAMA CRUISE TERMINAL-LOBBY CARPET, $42,000.00 (CT-007-19; C0259). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-849-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

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: Sanders Hyland Corporation

Project name: City of Mobile, Alabama Cruise Terminal - Lobby Carpet

Project number: CT-007-19

Amount: $42,000.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE CONTRACT WITH H & H ELECTRIC COMPANY, INC. FOR MOBILE MUSEUM OF ART-INTELLIGENT LIGHTING CONTROL SYSTEM UPGRADES, $46,380.00 (MJ-062-18; C0289). The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 21-850-2018

Sponsored by: Councilmember Gregory and Mayor Stimpson

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: H & H Electric Company, Inc.

Project name: Mobile Museum of Art - Intelligent Lighting Control System Upgrades

Project number: MU-062-18

Amount: $46,380.00

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

ACCEPT ONE RIGHT-OF-WAY DEED AND THREE PERMANENT SIDEWALK EASEMENTS FOR THE MCGREGOR AVENUE SIDEWALK PROJECT PHASE II #M5710-2159. The following resolution, which was introduced and read at the regular meeting of Tuesday, December 4, 2018 and held over for one (1) week until the regular meeting of December 11, 2018, was called up by the Presiding Officer.

RESOLUTION: 25-851-2018

Sponsored by: Councilmember Daves and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts the following as needed for the McGregor Ave. Sidewalk Project Phase II # M5710-2159.

1. Right-of Way Deed for a Public Road from Lisa Wingate and Paul Wingate.

2. Permanent Sidewalk Easement and Temporary Construction Easement from Lisa Wingate and Paul Wingate.

3. Permanent Sidewalk Easement from Jack Anthony Dipalma and Ann Marie Dipalma.

4. Permanent Sidewalk Easement from Janet Riddle Hayes and William J. Hayes.

SAID documents being attached hereto and made a part hereof as fully as if set forth herein.

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

ORDINANCES BEING INTRODUCED:

ORDINANCE TO AMEND CHAPTER 14 OF THE CITY CODE ENTITLED "CONTRACTS". The following ordinance was held over for one (1) week until the regular meeting of Tuesday, December 18, 2018.

ORDINANCE: 14-034-2018

Sponsored by: Councilmembers Richardson, Manzie, Small, Williams, Rich and Gregory

AN ORDINANCE TO AMEND CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF MOBILE, ALABAMA ENTITLED "CONTRACTS" TO PROVIDE FOR FILING, DISCLOSURE AND OTHER REQUIREMENTS FOR CERTAIN CITY CONTRACTS; AND TO IDENTIFY OFFICERS AUTHORIZED TO EXECUTE CONTRACTS ON BEHALF OF THE CITY

Sponsored by: Councilmembers Richardson, Manzie, Small, Williams, Rich and Gregory

BE IT ORDAINED by the City Council of the City of Mobile, Alabama as follows:

Section One. Chapter 14 of the Code of Ordinances for the City of Mobile, Alabama, 1991 is hereby amended to read as follows:

"Sec. 14-1 Findings

(a) The City of Mobile is an Alabama Class 2 municipality created pursuant to the Zoghby Act, Ala. Code §11-44C-l) et seq.

(b) All powers of the City are "vested in the Council, which is authorized to enact ordinances, adopt budgets and determine policies." All powers "shall be exercised in the manner prescribed [by the Zoghby Act] or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance." Ala. §§11-44C-10-11.

(c) In addition to the powers enumerated in the Zoghby Act, the Council has all of the powers granted to municipal corporations by the constitution and laws of the State of Alabama, together with "all the implied powers necessary to carry into execution all the powers granted." Ala. Code §11-44C-12.

(d) The power to contract is specifically vested in the council by Ala. Code §11 -40-1: "All municipal organizations are "bodies politic and corporate" with the power to "contract and be contracted with."

(e) The Council is charged with the "management and control of the finances and all of the property, real and personal, belonging to the City." Ala. Code §11-43-56. To be valid, all contracts of the City must be in writing, serve a public purpose, and be executed in the name of the City by the officers authorized by law or ordinance. Ala. Code §11-47-5. The Council has previously authorized the mayor to execute certain contracts without Council approval (see e.g, §2-66, Mobile City Code).

(f) The purpose of this ordinance is to promote transparency in the contracting process; to adopt reasonable regulations with respect thereto; to require full disclosure of the City's contractual obligations; and to specify the officers that are authorized to contract on behalf of the City.

Sec. 14-2 Nondiscrimination provisions to be included in municipal contracts.

All municipal contracting agencies shall include in every municipal contract hereafter entered into the following provisions:

During the performance of this contract the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin or disability. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, national origin or disability. Such action shall include but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency of the municipality setting forth the provisions of this nondiscrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualifying applicants will receive consideration for employment without regard to race creed, color, national origin or disability.

3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the municipal contracting agency, advising the labor union or worker's representative of the contractor's commitments under this section, and shall post copies of such notice in conspicuous places available to employees and applicants for employment.

4. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further municipal contracts.

5. The contractor will include the provisions of this section in every subcontract or purchase order unless exempted by written orders of the governing body of the City of Mobile so that such provisions will be binding upon each subcontractor or vendor.

6. Each contractor will agree to the above in writing, including the contractor's commitment to follow the Americans with Disabilities Act of 1990.

Sec. 14-3 Participation by socially and economically disadvantaged contractors.

(a) All contracts or agreements entered into by the City or any entity thereof for any service of any kind, whether by bid or otherwise, including but not limited to professional services and bond issues, shall make every reasonable effort to require that the contractor, firm or company to which any such contract is awarded must have at least fifteen (15) percent participation by socially and economically disadvantaged individuals, or the City shall make every reasonable effort to ensure that at least fifteen (15) percent of the total value of all such contracts or agreements described above shall be awarded to qualified contractors or professionals who are socially and economically disadvantaged.

(b) The City will hire a consultant to provide technical assistance and recommend regulations to the City to ensure every reasonable effort is made to implement this section.

Sec. 14-4 Disclosure and Other Requirements

(a) Definition. For the purpose of this chapter, the term "contract" means a written agreement, by whatever name, that imposes a financial obligation on the City; or that affects, or may affect, any property rights of the City. The term does not include deeds, contracts or bonds required in judicial proceedings, as set forth in Ala. Code §11-43-83.

(b) Disclosure Requirements. Not later than 30 days from the effective date of this ordinance, the mayor shall cause to be filed with the City Clerk a true and correct copy of the following:

1) grant agreements that are or will be in effect for the 2018-19 fiscal year;

2) retainer agreements, engagement letters or other contracts for legal services with attorneys whether hired pursuant to Ala. Code § 11-44C-38(b) or otherwise;

3) all contracts, letters or other communications setting out or describing the terms of the employment of the city attorney, or any firm with which he is affiliated as city attorney, chief legal advisor to the mayor, or in any other capacity compensated or funded by the City of Mobile; and

4) appointment letters or agreements to employ any person who is not in the "classified service" as defined by Act 470, Section II (otherwise known as the Mobile County Personnel Law) and any person whom the mayor has appointed to a position pursuant to Ala. Code §11-44C-40 or any other authority. Such disclosures shall identify the person's title, department, salary, supervisor, length of service and other terms of employment.

Sec. 14-5 Contract Procedures

(a) Execution. In accordance with Ala. Code §11-47-5, all contracts shall be in writing and signed by the President of the Council, or in his absence the Vice-President, unless the Council (by resolution or ordinance) authorizes some other officer of the City to execute the contract.

(b) Bid Awards. All bids shall be awarded by resolution duly adopted by the Council.

(c) Settlements. No payment shall be made to settle, adjust, or compromise any litigation, claim, debt, account, dispute, demand for or against the City, unless the agreement is first reduced to writing, presented to and approved by the Council, except for settlements with a monetary value of less than $5,000 and which have been approved by the mayor and the city attorney. All settlements shall be promptly filed with the City Clerk.

(d) Performance Contracts. All commitments to fund organizations, regardless of funding source; shall require a performance contract and resolution of the Council finding a public purpose for the expenditure.

(e) Budgeted Performance Contracts. Not later than 30 days after the effective date of this ordinance, the mayor shall prepare performance contracts for all organizations that are itemized in the annual budget, and submit such contracts to the council for approval. Thereafter, such performance contracts shall be prepared and submitted to the council for approval not later than 30 days after the effective date of the general fund budget.

(f) Change Orders. The mayor is authorized to approve change orders to City, construction contracts subject to at least one (1) of the following criteria. All change orders shall be filed in the Clerk's office.

1) Minor changes for a total monetary value less than required for competitive bidding under the state competitive bid laws.

2) Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of the work.

3) Emergencies arising during the course of the work on the contract.

4) Changes or alternates provided for in the original bidding where there is no difference in price on the change order from the original best bid on the alternate.

5) Changes of relatively minor items not contemplated when the plans and specifications were prepared and the project was bid which are in the public interest and which do not exceed ten (10) percent of the contract price. This shall mean that the total of all change orders on each contract shall not exceed ten (10) percent of the contract price for each project."

Section Two. This Ordinance repeals Section 2-66, subsections g, i and l, Mobile City Code.

Section Three. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

Section Four. This amendment shall be effective following adoption and publication.

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

Councilmember Richardson moved for the suspension of the rules to consider Consent Resolutions 03-868 – 58-856 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

RE-APPOINT JOY KLOTZ (D2), RICHARD DAVIS (D4) AND SAM STRADA (D5) TO THE HISTORY MUSEUM OF MOBILE BOARD. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 03-868-2018

Sponsored by: Councilmembers Manzie, Williams and Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that following people are re-appointed to the History Museum of Mobile Board effective December 31, 2018 for a term ending December 31, 2021:

Joy Klotz	District 2
Richard Davis	District 4
Sam Strada	District 5

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

AUTHORIZE THE MAYOR TO APPLY, ACCEPT AND RECEIVE FUNDING FROM THE FY 2018 HOMELAND SECURITY GRANT PROGRAM, $77,916.00 (NO LOCAL MATCH). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 31-852-2018

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 Alabama Law Enforcement Agency (ALEA), a Notice of Award and Cooperative Grant Agreement for grant assistance in the approximate amount of $77,916.00 for the FY 2018 Homeland Security Grant Program.

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 Alabama Law Enforcement Agency. The Cooperative Grant 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 Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A SPECIAL EVENTS RETAIL LICENSE FOR PRESTIGE EVENT CENTER, 7054 HOWELL'S FERRY ROAD, SUITE B. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 37-853-2018

Sponsored by: Councilmember Gregory

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Special Events Retail License

Submitted by: PEEC of Mobile, Inc.

Location: Prestige Event Center
7054 Howell's Ferry Road, Suite B
Mobile, AL 36618

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE FOR E G CONVENIENCE STORE, 156 KELLOGG STREET. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 37-854-2018

Sponsored by: Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the following application to the Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Retail Beer/Table Wine (Off Premises Only) License

Submitted by: Milton L. Lyons, Jr.

Location: E G Convenience Store
1565 Kellogg Street
Mobile, AL 36605

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR-CLASS I LICENSE FOR POST, 571 DAUPHIN STREET. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 37-855-2018

Sponsored by: Councilmember Manzie

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE. ALABAMA, that the following application to the-Alabama Alcoholic Beverage Control Board of the State of Alabama, is hereby recommended for grant of such license by said Board.

Type of application: Lounge Retail Liquor-Class I License

Submitted by: 571 Dauphin, LLC

Location: Post
571 Dauphin Street
Mobile, AL 36602

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

ASSESS COST FOR REMOVAL OF WEEDS, REPEAT WEED LIEN GROUP 24. The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 58-856-2018

ARESOLUTION ASSESSING THE COST OF REMOVAL OF NOXIOUS OR DANGEROUS WEEDS IN FRONT OF OR ON CERTAIN PARCELS OF LAND IN THE CITY OF MOBILE, ALABAMA

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of cutting such weeds, and the City Council being of the opinion that such report in all respects be confirmed:

IT IS THEREFORE RESOLVED BY THE CITY COUNCIL OF MOBILE as follows:

Section 1. The amount set opposite each described parcel of real property contained in exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as Repeat Weed Lien Group 24 shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

Section 2. It is directed that a copy of this resolution be delivered to the Tax Collector of the City of Mobile, and it shall be his duty to add the amounts of the above respective assessments to the next regular bills for ad valorem taxes levied against the" said respective lots and parcels of land for municipal purposes, and such amounts, shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedure on foreclosure and sale as in the case of delinquency as provided for ordinary ad valorem taxes.

	REPEAT WEED LIEN						
	GROUP 24					Res. No.	
9/27/2018	1st REPEAT WEED LIEN LETTERS SENT					11-058	
12/11/2018	REPEAT WEED LIEN LOTS TO BE ASSESSED FOR COST						
Item No.	Address/Parcel No.	Dis	SRO Repeat Num	Initial Nuisance Declaration	Times cut within 36 months	Amount Assessed	CBC CBO
1	1067 Persimmons St	2	889486	4/5/2016	2	$ 382.00	
2	1351 Spruce St	2	889487	4/5/2016	2	$ 382.00	
3	610 Cedar Ave	2	889488	11/8/2016	1	$ 282.00	
4	1016 Cherry St	2	889493	10/24/2017	2	$ 385.00	
5	219 Rylands Lane	2	889495	5/17/2016	2	$ 382.00	
6	5562 Vanderbilt Dr	7	889496	7/18/2017	1	$ 50.00	CBO
7	2457 Pineway Rd	4	889498	2/2/2016	2	$ 50.00	CBO
8	658 Cherokee St	2	889499	5/3/2016	2	$ 382.00	
9	607 Cedar St	2	889500	7/11/2017	3	$ 50.00	CBO
10	854 Broad St S	3	889501	1/10/2017	1	$ 282.00	
11	614 Mohawk St	5	889502	10/3/2017	1	$ 282.00	
12	1575 Robert E Lee St	3	889503	9/6/2016	1	$ 303.00	
13	1806 Delta St	3	889504	7/11/2017	1	$ 303.74	
14	1251 Houston St	2	889505	3/7/2017	1	$ 282.00	
15	1814 Ogburn Ave	3	889507	2/21/2017	3	$ 482.00	
16	703 Euclid Ave	5	889508	1/16/2018	1	$ 50.00	CBO
17	1458 McVay Dr W	3	890418	8/15/2018	1	$ 282.00	
18	1711 Perch Dr	4	890420	12/1/2015	2	$ 382.00	
19	1409 Chinquapin St	2	890421	11/10/2018	2	$ 382.00	
20	1403 Chinqapin St	2	890422	10/25/2016	2	$ 385.00	
21	552 Live Oak St	2	890423	4/19/2016	3	$ 482.00	
22	1357 Spruce St	2	890424	9/6/2016	2	$ 50.00	CBO
	Total					$ 6,292.74	
District total for this group							
1	0						
2	12						
3	5						
4	2						
5	2						
6	0						
7	1						
	22						
*CBO Cut By Owner			*CBC Cut By Contractor				
*N/A Taken out by Inspector			*UDL Undeveloped Lot				
*ADD Added in from other Groups							

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Gregory and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich 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 CIP RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Richardson moved for the suspension of the rules to consider CIP Resolutions 03-868 – 58-856 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CIP RESOLUTIONS BEING INTRODUCED:

AUTHORIZE CONTRACT AMENDMENT WITH TERRACON CONSULTANTS, INC. FOR FLORIDA STREET AND DOHM STREET DRAINAGE IMPROVEMENTS, ADD $25,000.00 2016 CIP, D1; COM PROJECT NO. 2016-202-02/ C0191; 20002000-48030). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-857-2018

Sponsored by: Councilmember Richardson and Mayor Stimpson

WHEREAS, the City entered into a contract, dated August 9, 2016, with Terracon Consultants, Inc. for geotechnical engineering and material testing services on the project, known as Florida St. & Dohm St. Area - 2016 Drainage Improvements, C.O.M. Project No. 2016-202-02.

WHEREAS, the fees for the geotechnical engineering and material testing services are based on a percentage of the total project cost, with the fee percentage being 1% for the design stage and 1.5% for the construction stage; and

WHEREAS, at the time the contract was entered into it was estimated that the contract cost would be $900,000.00, and engineering fees based on that contract amount, would have been $25,000.00; and

WHEREAS, the final project cost is $1,829,087.14, the geotechnical engineering and material testing services fees have been adjusted to properly compensate Terracon Consultants, Inc., thereby increasing the geotechnical engineering and material testing services fees by $25,000.00 to a total of $50,000.00; and

WHEREAS, the contract provides on Page 14 that the "Estimated laboratory cost not to exceed $50,000.00" unless authorized by the COUNCIL;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Council does hereby authorize the additional fee of $25,000.00, for a total of $50,000.00, to be paid to Terracon Consultants, Inc. for geotechnical engineering and material testing services on the Florida St. & Dohm St. Area - 2016 Drainage Improvements Project.

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Rich and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

<u>AUTHORIZE CONTRACT AMENDMENT WITH HATCH MOTT MACDONALD (MOTT MACDONALD) FOR FLORIDA STREET AND DOHM STREET DRAINAGE IMPROVEMENTS, ADD $106,000.00 (2016 CIP, D1; COM PROJECT NO. 2016-202-02; C0191; 20002000-48030).</u> The following resolution was held over for one (1) week until the regular meeting of Tuesday, December 18, 2018.

RESOLUTION: 21-858-2018

Sponsored by: Councilmember Richardson and Mayor Stimpson

WHEREAS, the City entered into a contract dated October 13, 2015 with Hatch Mott MacDonald for engineering services on the project known as Florida St. & Dohm St. Area - 2016 Drainage Improvements, C.O.M. Project No. 2016-202-02.

WHEREAS, Hatch Mott MacDonald is now known as Mott MacDonald.

WHEREAS, the fees for the engineering services are based on a percentage of the total project cost, with the fee percentage for contracts between $250,000.00 and $500,000.00 being 6.9% for the design stage and 5.5% for the construction stage; and

WHEREAS, at the time the contract was entered into it was estimated that the contract cost would be $260,000.00, and engineering fees based on that contract amount, would have been $65,000.00; and

WHEREAS, the final project cost is $1,829,087.14, with the fee percentage for contracts between $1,000,000.00 and $2,000,000.00 being 5.4% for the design stage and 3.9% for the construction stage, the professional engineering fees have been adjusted to properly compensate Mott MacDonald, thereby increasing professional engineering fees by $106,000.00 to a total of $171,000.00; and

WHEREAS, the contract provides on Page 12 (V, If) that the "Total fees for professional engineering services for this contract shall not exceed $171,000.00 unless authorized by the COUNCIL";

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Council does hereby authorize the additional fee of $106,000.00, for a total of $171,000.00, to be paid to Mott MacDonald for engineering services on the Florida St. & Dohm St. Area - 2016 Drainage Improvements Project.

AUTHORIZE CONTRACT WITH CRV SURVEILLANCE, LLC FOR RICKARBY RECREATION CENTER-SECURITY CAMERAS, $9,490.00 (2017 CIP #138, D2; PR-061-18; C0069). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-859-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

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: CRV Surveillance, LLC

Project name: Rickarby Recreation Center - Security Cameras

Project number: PR-061-18

Amount: $9,490.00 (2017 CIP #138, D2)

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Rich. Following comments from Councilmember Manzie the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich 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 RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

Councilmember Richardson moved for the suspension of the rules to consider Resolution 46-864 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The Presiding Officer declared unanimous consent granted for the item.

RESOLUTIONS BEING INTRODUCED:

REALLOCATE $1,655,240.87 FROM THE MUNICIPAL GOVERNMENT CAPITAL IMPROVEMENT FUND (FUND 2010; REVENUE CODE CAR01 ANNUAL CAPITAL TRUST REVENUE) TO VARIOUS CAPITAL PROJECTS. The following resolution was held over for one (1) week until the regular meeting of Tuesday, December 18, 2018.

RESOLUTION: 09-860-2018

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of $1,655,240.87 be appropriated in the Municipal Government Capital Improvement Fund (Fund 2010; Revenue Code CAR0l Annual Capital Trust Revenue) to the following Capital Projects;

C0049	Engineering, ROW, Testing	$100,000.00
CO031	Facility Maintenance	200,000.00
C0048	Stormwater/Misc Bridges	50,000.00
C0052	Citywide Drainage/Pipe Proj	150,000.00
C0012	Citywide Street Improvements	100,000.00
CO018	Real Estate/Asset Management	50,000.00
C0259	Cruise Terminal Gangway	435,240.87
New	Tennis Center Portable Courts	120,000.00
New	Tennis Center-LED Lighting	145,000.00
New	Azalea City Golf-Irrigation System	90,000.00
C0289	Museum of Art-Security Camera & Lighting	21,000.00
New	Convention Center Bridge Repairs	194,000.00

AUTHORIZE CONTRACT WITH ADELTE PORTS & MARITIME, SLU, FOR GANGWAY PREVENTATIVE MAINTENANCE & INSPECTION PROGRAM-MOBILE, ALABAMA CRUISE TERMINAL, $51,000.00 3-YEAR CONTRACT (SC-043-18; 60206020-42150). The following resolution was held over for one (1) week until the regular meeting of Tuesday, December 18, 2018.

RESOLUTION: 21-861-2018

Sponsored by: Councilmember Manzie and Mayor Stimpson

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: ADELTE PORTS & MARITIME, SLU

Project name: Gangway Preventative Maintenance & Inspection Program
Mobile, Alabama Cruise Terminal

Project number: SC-043-18

Amount: $16,400.00 (1st Year - Initial Term)
$17,000.00 (2nd Year – 1st Additional Term)
$17.600.00 (3rd ear – 2nd Additional Term)
$51,000.00 3 Year Contract

AUTHORIZE CONTRACT WITH ESPALIER, LLC, FOR MEDAL OF HONOR PARK-SYNTHETIC TURF ATHLETIC FIELDS, $84,385.00 (PR-015-19; C0063). The following resolution was held over for one (1) week until the regular meeting of Tuesday, December 18, 2018.

RESOLUTION: 21-862-2018

Sponsored by: Councilmember Rich and Mayor Stimpson

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: Espalier, LLC

Project name: Medal of Honor Park - Synthetic Turf Athletic Fields

Project number: PR-015-19

Amount: $84,385.00

AUTHORIZE PROFESSIONAL SERVICES CONTRACT WITH NEEL-SCHAFFER, INC. FOR 2019-2020-2021 PROFESSIONAL SERVICES FOR THE CITY'S STORM WATER MANAGEMENT PROGRAM, $365,000.00 (C0391; 20002000-42200). The following resolution was held over for one (1) week until the regular meeting of Tuesday, December 18, 2018.

REOSLUTION: 21-863-2018

Sponsored by: Councilmember Rich and Mayor Stimpson

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: Neel-Schaffer, Inc.

Project name: Professional Services for the City's Storm
Water Management Program

Estimated cost: $365,000.00

CHANGE NAME OF "USA MEDICAL CENTER DRIVE" TO "UNIVERSITY HOSPITAL DRIVE." The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 46-864-2018

Sponsored by: Councilmember Richardson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the name of "USA Medical Center Drive" be changed to "University Hospital Drive."

The resolution was read by the City Clerk; whereupon Councilmember Richardson moved that the resolution be adopted, which was seconded by Councilmember Williams and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

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

CALL FOR PUBLIC HEARINGS:

CALL FOR PUBLIC HEARING TO APPROVE THE APPLICATION OF SANDRA PAIGE D/B/A PAIGE INDEPENDENT TRANSPORTATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE. The following resolution was introduced by Councilmember Small.

RESOLUTION: 41-865-2018

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed resolution is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed resolution.

NOTICE OF HEARING ON PROPOSED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Sandra Paige d/b/a Paige Independent Transportation for a Certificate of Public Convenience and Necessity to operate a shuttle service in the City of Mobile. The adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile Government Plaza located at 205 Government Street, Mobile, Alabama, on Thursday, the 3rd day of January, 2019, at 10:30 a.m. At such time and place all persons who desire shall have an opportunity to be heard in opposition to or in favor of the proposed resolution.

Councilmember Small then moved to call for the public hearing, which move was seconded by Councilmember Williams, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as January 3, 2018.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT 5188 AND 5208 MOBILE SOUTH STREET (NORTH SIDE OF MOBILE SOUTH STREET, 650’ ± EAST OF BUSINESS PARKWAY), FROM B-5 TO I-1 (DISTRICT 4). The following resolution was introduced by Councilmember Small.

RESOLUTION: 41-866-2018

Sponsored by: Councilmember Williams

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish the attached proposed amendment to the

Zoning Ordinance at least once a week for two consecutive weeks in a newspaper of general circulation within the municipality, together with the attached notice stating the time and place that said proposed amendment is to be considered by the City Council, and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such amendment.

NOTICE OF HEARING ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Notice is hereby given that the City Council of Mobile proposes to consider the adoption of the attached amendment to the Ordinance adopted on the 16th day of May, 1967, and known as the "Zoning Ordinance." The adoption of such amendment will be considered by the City Council of Mobile in the Auditorium of the Mobile Government Plaza located at 205 Government Street, Mobile, Alabama, on the 8th day of January, 2019, at 10:30 a.m. At such time and place all persons who desire shall have an opportunity to be heard in opposition to, or in favor of the amendment. Furthermore, the City Council, at this public hearing, may consider zoning classification ns other than that sought by the applicant for this property.

This notice is published pursuant to a resolution of the City Council of Mobile adopted on the 11th day of December, 2018.

Councilmember Small then moved to call for the public hearing, which move was seconded by Councilmember Williams, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as January 8, 2018.

<u>CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT 5205, 5225 AND 5245 BUSINESS PARKWAY (EAST SIDE OF BUSINESS PARKWAY, 475' ± NORTH OFMOBILE SOUTH STREET), FROM B-5 TO I-1 (DISTRICT 4).</u> The following resolution was introduced by Councilmember Small.

RESOLUTION: 41-867-2018

Sponsored by: Councilmember Williams

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish the attached proposed amendment to the Zoning Ordinance at least once a week for two consecutive weeks in a newspaper of general circulation within the municipality, together with the attached notice stating the time and place that said proposed amendment is to be considered by the City Council, and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such amendment.

NOTICE OF HEARING ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Notice is hereby given that the City Council of Mobile proposes to consider the adoption of the attached amendment to the Ordinance adopted on the 16th day of May, 1967, and known as the "Zoning Ordinance." The adoption of such amendment will be considered by the City Council of Mobile in the Auditorium of the Mobile Government Plaza located at 205 Government Street, Mobile, Alabama, on the 15th day of January, 2019, at 10:30 a.m. At such time and place all persons who desire shall have an opportunity to be heard in opposition to, or in favor of the amendment. Furthermore, the City Council, at this public hearing, may consider zoning classification ns other than that sought by the applicant for this property.

This notice is published pursuant to a resolution of the City Council of Mobile adopted on the 11th day of December, 2018.

Councilmember Small then moved to call for the public hearing, which move was seconded by Councilmember Williams, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Williams, Daves, Rich and Gregory
Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as January 11, 2018.

ANNOUNCEMENTS:

The City Clerk announced the December 18, 2018 Council meeting will be held at the History Museum of Mobile/Old City Hall.

Councilmember Small reported a successful district three Christmas party with over 400 people in attendance.

Councilmember Small stated he will attend a banquet for disadvantaged business enterprises (DBEs) hosted by the Mobile Area Water Sewer System.

Councilmember Small invited the public to attend the 4th annual district three Christmas parade on Saturday, December 15, 2018, at 2:00 p.m.

Councilmember Rich thanked the staff of the Connie Hudson Senior Center, the volunteers and guests for participating in the district six holiday breakfast last Friday.

Councilmember Gregory mentioned she enjoyed the 60th anniversary celebration of Smith Memorial AME Church.

Councilmember Gregory thanked all in attendance and those who assisted in preparations for the district seven Christmas party at the Mobile Museum of Art.

Councilmember Williams expressed he hopes that the December 18 meeting at the History Museum of Mobile/Old City Hall will be broadcast.

Councilmember Richardson announced the schedule for the New Year's Eve Moon Pie Drop and stated the theme is "We Are Family."

Councilmember Manzie reminded residents that the district two Christmas party will be held on Monday, December 17, 2018, 6:00 p.m., at Via.

Councilmember Richardson moved to adjourn the meeting, which was seconded by Councilmember Small, and the vote was as follows:

Ayes: Richardson, Manzie, Small, Rich and Gregory
Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 12:38 p.m.

Approved: December 18, 2018

COUNCIL VICE PRESIDENT

CITY CLERK