

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 7, 2020

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, July 7, 2020, at 9:00 a.m.

Present:

Councilmembers: Richardson, Manzie, Small, Daves, Rich and Gregory
Absent: Williams

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.

Adopted:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JULY 7, 2020

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, July 7, 2020, at 10:30 a.m., in regular meeting.

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

Council Vice President C. J. Small, District 3, offered the 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 provided an overview of the City Council rules of procedure.

APPROVAL OF MINUTES:

The minutes of the meeting of June 30, 2020 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson stated that Covid-19 hospitalization and death rates are being closely monitored.

Mayor Stimpson said that he will participate on a community task force to foster racial equity.

Mayor Stimpson gave comments in support of Ordinance 14-018.

ADOPTION OF THE AGENDA:

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

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

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Nays: None

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

- 1. Timothy Hollis, 1924 Seale Street, submitted questions regarding Ordinance 39-020 and Resolutions 46-485, 60-487, 01-497, 21-504 and 60-505.
- 2. Reggie Hill, 1007 Center Street, provided comments related to Ordinance 39-019 and several additional items on today’s agenda.

NON-AGENDA ITEMS:

- 1. Brendan “Cam” Jackson, 751 S. Dearborn Street, spoke about a lack of white collar jobs for young adults in Mobile.
- 2. Velma Dale Jackson, 1552 Jay Drive, offered commentary about the Black Lives Matter movement and police officers.

ORDINANCES HELD OVER:

ORDINANCE ELIMINATING AND REPLACING THE WORD “RACE” ON CITY OF MOBILE OFFICAL FORMS AND DOCUMENTS. The following ordinance, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meetings of June 16 & 23 and July 7, 2020, was called up by the Presiding Officer.

ORDINANCE: 02-015-2020

Sponsored by: Councilmember Richardson

WHEREAS, the City of Mobile was founded 318 years ago and from that period of time, it has, like others cities of this great nation, categorized and divided its citizens into so called races, classifying them according to body features, hair textures and skin color; and

WHEREAS, today, many of the City's official forms and documents have a section calling for our citizens list their "Race", and

WHEREAS, there is more than ample facts and evidence to prove, without a shadow of a doubt, that all humans are in the same species, scientifically known as Homo sapiens, and that these 7.5 billion Homo sapiens cannot reproduce outside of their species, and that they share the same racial category, officially known as the human "Race", and

WHEREAS, the study of biology teaches us what functions are defining in determining who can be classified as a human; such as the ability to walk upright, talk, laugh, cry, think, plan, and reason; and that skin color, hair texture and body features provide absolutely no evidence in determining members of the human race, and we recognize that America is the only nation in the world who classifies it citizens into races, and

WHEREAS, the Holy Bible teaches us in Acts 17:26, that God "hath made of one blood (Adam), all nations of men, for to dwell on all the face of the earth", and

WHEREAS, one of the world's most renowned and acclaimed geneticists, Dr. Spencer Wells, who earned his PhD in biology from Harvard University, where he first began using genetics DNA to trace the origin and migration of humans, has now discovered, without a doubt, that all humans have embedded in them a genetic marker, traceable to their original ancestor, and

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WHEREAS, Dr. Wells has now published his genetic research on human DNA in his book entitled, "The Journey of Man", where he concluded that all humans have a DNA that traces them back to their original ancestor, in East Africa, proving that the notion of a division of human races, based on external factors such as skin colors and body features, are false, and are nothing more than a figment of one's imagination, or a reflection of the depth of one's ignorance. He concluded that we are all members of one race, the human race, and

WHEREAS, in America, since 1619, persons of African ancestry have been classified in a race separately from other humans, and in the Dred Scott Decision of 1857, Chief Justice of the United States Supreme Court, Roger Tancy, ruled "the negro has no rights a white man is bound to respect"; and from that vantage point, this nation has not addressed this miscarriage of justice by declaring that Justice Taney was wrong, and rightly acknowledging that all humans are members of the same race, and equal in the sight of God, and

WHEREAS, we, the members of the Mobile City Council, recognize that our city, like other cities of this nation, including the federal government, as well the our states, do still divide our citizens into various and sundry false races, which is the main engine that fuels hate and cruelty among us, and

WHEREAS, we, in the City of Mobile, have pledged to make our city "One Mobile", whereby all citizens will be offered the same treatment, and opportunities; including equal justice for all, and

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

SECTION ONE: The word "RACE", as pertaining to any citizen's ethnicity, will no longer divide our citizens, and will disappear and be removed from any and all official forms and documents of the City of Mobile; and the word "RACE" on such forms and documents, as pertaining to our various and sundry citizens, shall henceforth be substituted with the word "ETHNICITY", which reflects the origin, history and heritage of one's past ancestors.

SECTION TWO: The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

SECTION THREE: This Ordinance shall be effective immediately upon its enactment and publication as required by law.

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

Councilmember Richardson moved to amend the resolution as follows:

AN ORDINANCE ELIMINATING AND REPLACING THE WORD "RACE" ON CITY OF MOBILE OFFICIAL FORMS AND DOCUMENTS

WHEREAS, the City of Mobile was founded 318 years ago and from that period of time, it has, like others cities of this great nation, categorized and divided its citizens into so called races, classifying them according to body features, hair textures and skin color; and

WHEREAS, today, many of the City's official forms and documents have a section calling for our citizens list their "Race", and

WHEREAS, there is more than ample facts and evidence to prove, without a shadow of a doubt, that all humans are in the same species, scientifically known as Homo sapiens, and that these 7.5 billion Homo sapiens cannot reproduce outside of their species, and that they share the same racial category, officially known as the human "Race", and

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WHEREAS, the study of biology teaches us what functions are defining in determining who can be classified as a human; such as the ability to walk upright, talk, laugh, cry, think, plan, and reason; and that skin color, hair texture and body features provide absolutely no evidence in determining members of the human race, and we recognize that America is the only nation in the world who classifies its citizens into races, and

WHEREAS, the Holy Bible teaches us in Acts 17:26, that God "hath made of one blood (Adam), all nations of men, for to dwell on all the face of the earth", and

WHEREAS, one of the world's most renowned and acclaimed geneticists, Dr. Spencer Wells, who earned his PhD in biology from Harvard University, where he first began using genetics DNA to trace the origin and migration of humans, has now discovered, without a doubt, that all humans have embedded in them a genetic marker, traceable to their original ancestor, and

WHEREAS, Dr. Wells has now published his genetic research on human DNA in his book entitled, "The Journey of Man", where he concluded that all humans have a DNA that traces them back to their original ancestor, in East Africa, proving that the notion of a divisions of human races, based on external factors such as skin colors and body features, are false, and are nothing more than a figment of one's imagination, or a reflection of the depth of one's ignorance. He concluded that we are all members of one race, the human race, and

WHEREAS, in America, since 1619, person of African ancestry have been classified in a race separately from other humans, and in the Dred Scott Decision of 1857, Chief Justice of the United States Supreme Court, Roger Taney, ruled "the negro has no rights a white man is bound to respect"; and from that vantage point, this nation has not addressed this miscarriage of justice by declaring that Justice Taney was wrong, and rightly acknowledging that all humans are members of the same race, and equal in the sight of God, and

WHEREAS, we, the members of the Mobile City Council, recognize that our city, like other cities of this nation, including the federal government, as well as our states, do still divide our citizens into various and sundry false races, which is the main engine that fuels hate and cruelty among us, and

WHEREAS, we, in the City of Mobile, have pledged to make our city "One Mobile", whereby all citizens will be offered the same treatment, and opportunities; including equal justice for all, and

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

SECTION ONE: The word "RACE", as pertaining to any citizen's ethnicity, will no longer divide our citizens, and will disappear and be removed from any and all official forms of the City of Mobile, except as may be required by state or federal law, rule, regulation or requirement; and the word "RACE" on such forms, as pertaining to our various and sundry citizens, shall henceforth be substituted with the word "ETHNICITY" on future printings or versions of such forms, which reflects the origin, history and heritage of one's past ancestors.

SECTION TWO: The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

SECTION THREE: This Ordinance shall be effective immediately upon its enactment and publication as required by law.

The motion was seconded by Councilmember Gregory. Following comments from Councilmember Rich the vote was as follows:

Ayes: Richardson, Manzie, Small, Daves and Gregory

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Nays: None
Abstained: Williams and Rich

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

The Presiding Officer then called for the vote on the original motion as amended. Following comments from Councilmember Rich the vote was as follows:

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

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

ORDINANCE TO AMEND CHAPTER 14-10 OF THE CITY CODE TO PROVIDE FOR SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS CONTRACTOR AND INDIVIDUAL PARTICIPATION. The following ordinance, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

ORDINANCE: 14-018-2020

Sponsored by: Mayor Stimpson

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

Section One. Chapter 14-10 of the Code of Ordinances, as amended by Ordinance 14-034-2018, for the City of Mobile, Alabama, 1991 is hereby amended and restated to read as follows:

Sec. 14-10 Participation by socially and economically disadvantaged contractors.

- (a) As used in this section “socially and economically disadvantaged” shall mean an entity or individual certified as socially and economically disadvantaged in accordance with: (i) the findings of a current City of Mobile disparity study; or (ii) certain federal criteria, including, without limitation thereto, any of the following: (A) 13 CFR Part 124, (B) 49 CFR Part 26; and (C) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u). The phrase “current disparity study” excludes any disparity study performed prior to July 1, 2020.
- (b) 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 require that the contractor, firm or company to which any such contract is awarded have, or provide written proof demonstrating good faith efforts to procure, at least fifteen (15) percent participation by socially or economically disadvantaged contractors or professionals, and 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. Unless waived or exempted, all bidders must demonstrate good faith efforts to meet the requirements of this Section 14-10 in order to be considered responsive bidders.
- (c) The Mayor is authorized to establish an office to administer the provisions of this Section, including but not limited to: adopting written procedures, informal guidelines, and developing forms as may be necessary to effectuate this section; establishing certification rules and procedures; recommending related procurement goals and contract requirements; implementing a procedure for establishing individual participation goals for each contract subject to this section; and recruiting socially and economically disadvantaged contractors to create adequate capacity for services of any kind.

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(d) This section shall not apply to contracts if: (1) after procurement, but prior to executing a contract, it is found that there is one or less socially or disadvantaged individuals or entity available for services being contracted; or (2) funded by sources that do not allow for such preferences; or (3) emergency contracts as approved by the Council.

This amendment shall be effective following adoption and publication.

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance 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 ordinance adopted.

ORDINANCE TO AMEND THE CITY'S GENERAL NOISE ORDINANCE TO ADD PEACEFUL PROTESTS, DEMONSTRATIONS AND RALLIES AS AN EXCEPTION. The following ordinance, which was introduced and read at the regular meeting of June 30, 2020, and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

ORDINANCE: 39-020-2020

Sponsored by: Councilmember Richardson

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

SECTION ONE: The general noise ordinance set forth in Chapter 39, Article IV, Section 39-96 of the Mobile City Code is hereby amended to add an additional exception and sub-section under sub-section (b) thereof as follows:

(3) Peaceful protests, demonstrations or rallies occurring between the hours of 7 a.m. and 10 p.m. and not occurring within 300 feet of any hospital or school.

SECTION TWO: All other provisions and sections of the said ordinance shall remain in full force and effect.

SECTION THREE: The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

SECTION FOUR: The Ordinance shall be effective immediately upon its enactment and publication as required by law.

The ordinance was read by the City Clerk; whereupon Councilmember Daves moved that the ordinance be held over until the regular meeting of July 21, 2020, which was seconded by Councilmember Small. Following comments from Councilmembers Rich, Richardson, Manzie and Small 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 ordinance held over.

APPROVE ISSUANCE OF GENERAL OBLIGATION REFUNDING WARRANTS, SERIES 2020. The following ordinance, which was introduced and read at the regular meeting of June 30, 2020, and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

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ORDINANCE: 84-021-2020

Sponsored by: Mayor Stimpson

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING WARRANTS, SERIES 2020 BE IT ORDAINED BY THE GOVERNING BODY OF CITY OF MOBILE, as follows:

ARTICLE 1

Definitions and Other Provisions of General Application

SECTION 1.1 Definitions

For all purposes of this ordinance, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the meaning indicated:

“Authorized City Representative” shall mean the Mayor or the Executive Director of Finance of the City or any other officer or agent of the City authorized by the City’s governing body to act as “Authorized City Representative”.

“Beneficial Owner” shall have the meaning assigned in Section 3.11 for the Series 2020 Warrants.

“Book-Entry Only System” shall have the meaning assigned in Section 3.11 for the Series 2020 Warrants.

“Business Day” shall mean any day other than a Saturday, a Sunday or a day on which the Paying Agent is required or authorized to be closed under general law or regulation applicable in the place of the Principal Office of the Paying Agent.

“City” shall mean the City of Mobile, a municipal corporation organized under the laws of the State of Alabama.

“Continuing Disclosure Agreement” shall mean the Continuing Disclosure Agreement executed and delivered by the City in connection with the issuance of the Series 2020 Warrants.

“Costs of Issuance Fund” shall mean the fund established pursuant to the Definitive Terms Certificate.

“Debt Service Fund” shall mean the fund established pursuant to Article 6.

“Debt Service” shall mean the principal, premium (if any) and interest payable on the Series 2020 Warrants.

“Defaulted Interest” shall have the meaning stated in Section 3.8.

“Definitive Terms Certificate” shall have the meaning stated in Section 3.2(h).

“DTC” shall have the meaning assigned in Section 3.11 for the Series 2020 Warrants.

“Enabling Law” shall mean Section 11-47-2 and Section 11-81-4 of the Code of Alabama 1975.

“Escrow Agreement” shall mean an Escrow Trust Agreement between the City and the Escrow Trustee in respect of the refunding of the Refunded Warrants.

“Escrow Fund” shall mean an irrevocable fund established pursuant to the Escrow Agreement.

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“Escrow Trustee” shall mean Regions Bank, an Alabama banking corporation.

“Favorable Tax Opinion” shall mean an Opinion of Counsel stating in effect that the proposed action, together with any other changes with respect to the Series 2020 Warrants made or to be made in connection with such action, will not cause interest on the Series 2020 Warrants to become includible in gross income of the Holders for purposes of federal income taxation.

“Federal Securities” shall mean direct obligations of, or obligations the payment of which is guaranteed by, the United States of America.

“Fiscal Year” shall mean the fiscal year of the City, as established from time to time by applicable law.

“Holder” when used with respect to any Series 2020 Warrant shall mean (1) if the Book-Entry Only System is not in effect, the person in whose name such Series 2020 Warrant is registered in the Warrant Register and (2) if the Book-Entry Only System is in effect, the Beneficial Owner of such Series 2020 Warrant on the records maintained pursuant to the Book-Entry Only System.

“Interest Payment Date”, when used with respect to any installment of interest on a Series 2020 Warrant, shall mean the date specified in such Series 2020 Warrant as the fixed date on which such installment of interest is due and payable.

“Internal Revenue Code” shall mean the Internal Revenue Code of 1986, as amended.

“Opinion of Counsel” shall mean an opinion from an attorney or firm of attorneys with experience in the matters to be covered in the opinion. Except as otherwise expressly provided in this ordinance, the attorney or attorneys rendering such opinion may be counsel for the City or the Paying Agent.

“Outstanding”, when used with respect to Series 2020 Warrants, shall mean, as of the date of determination, all Series 2020 Warrants authenticated and delivered under this ordinance, except:

(1) Series 2020 Warrants cancelled by the Paying Agent or delivered to the Paying Agent for cancellation.

(2) Series 2020 Warrants for whose payment or redemption money in the necessary amount has been deposited with the Paying Agent for the Holders of such Series 2020 Warrants, provided that, if such Series 2020 Warrants are to be redeemed, notice of such redemption has been duly given pursuant to this ordinance or provision therefor satisfactory to the Paying Agent has been made; and

Series 2020 Warrants in exchange for or in lieu of which other Series 2020 Warrants have been authenticated and delivered under this ordinance.

“Paying Agent” shall mean the agent of the City appointed as such pursuant to Section 3.10 for the purpose of paying Debt Service on the Series 2020 Warrants.

“Post-Default Rate” shall mean, as to any Series 2020 Warrant, the interest rate borne by such Series 2020 Warrant. Interest at the Post-Default Rate shall be computed on the basis of an assumed year of 360 days with 12 months of 30 days each.

“Principal Office of the Paying Agent” shall mean the office where the Paying Agent maintains its principal corporate trust office in the State of Alabama.

“Principal Payment Date”, when used with respect to any Series 2020 Warrant, shall mean the date specified in such Series 2020 Warrant as the fixed date on which the principal of such Series 2020 Warrant is due and payable.

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“Purchase Agreement” shall mean the Warrant Purchase Agreement between the City and the Underwriters in respect of the sale of the Series 2020 Warrants.

“Qualified Investments” shall mean:

(1) Federal Securities,

(2) An interest in any trust or fund that invests solely in Federal Securities or repurchase agreements with respect to Federal Securities, and

(3) a certificate of deposit issued by, or other interest-bearing deposit with, any bank organized under the laws of the United States of America or any state thereof, provided that (i) such bank has capital, surplus and undivided profits of not less than \$25,000,000, (ii) such deposit is insured by the Federal Deposit Insurance Corporation or (iii) such deposit is secured by pledging Federal Securities having a market value (exclusive of accrued interest) not less than the face amount of such deposit (less the amount of such deposit insured by the Federal Deposit Insurance Corporation).

“Refunded Warrants” shall mean all or a portion of the Series 2009C Warrants, as shall be set forth in the Definitive Terms Certificate.

“Regular Record Date” for the interest payable on any Interest Payment Date on the Series 2020 Warrants shall mean the date specified in Section 3.8.

“Series 2009C Warrants” shall mean \$6,430,000 aggregate principal amount of the City’s General Obligation Recovery Zone Economic Development Warrants, Series 2009C (Taxable), currently outstanding in the aggregate principal amount of \$6,430,000.

“Series 2020 Warrants” shall mean the City’s General Obligation Refunding Warrants, Series 2020, authenticated and delivered pursuant to this ordinance.

“Special Record Date” for the payment of any Defaulted Interest on Series 2020 Warrants shall mean the date fixed by the Paying Agent pursuant to Section 3.8.

“Tax Certificate and Agreement” shall mean the Tax Certificate and Agreement to be executed and delivered by the City in conjunction with the delivery of the Series 2020 Warrants.

“Taxable” shall mean that, for purposes of federal income taxation, interest on the Series 2020 Warrants is includible in the gross income of any Holder thereof for any reason. Interest on the Series 2020 Warrants shall not be deemed “Taxable” because interest is includible in any calculation of income for purposes of an alternative minimum tax, a foreign branch profits tax or any other type of taxation other than the regular tax imposed on gross income.

“Term Warrants” shall have the meaning stated in Section 3.2(g).

“Underwriters” shall mean the original purchasers of the Series 2020 Warrants from the City identified in Section 7.1.

“Warrant Payment Date” shall mean each date (including any date fixed for redemption of Series 2020 Warrants) on which Debt Service is payable on the Series 2020 Warrants.

“Warrant Register” shall mean the register or registers for the registration and transfer of Series 2020 Warrants maintained pursuant to Section 3.6.

SECTION 1.2 General Rules of Construction

For all purposes of this ordinance, except as otherwise expressly provided or unless the context otherwise requires:

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(a) Defined terms in the singular shall include the plural as well as the singular, and vice versa.

(b) All accounting terms not otherwise defined herein have the meaning assigned to them, and all computations herein provided for shall be made, in accordance with generally accepted accounting principles. All references herein to “generally accepted accounting principles” refer to such principles as they exist at the date of application thereof.

(c) All references in this ordinance to designated “Articles”, “Sections” and other subdivisions are to the designated articles, sections and subdivisions of this ordinance as originally executed.

(d) The terms “herein”, “hereof” and “hereunder” and other words of similar import refer to this ordinance as a whole and not to any particular article, section or other subdivision.

(e) The term “person” shall include any individual, corporation, partnership, limited liability company, joint venture, association, trust, unincorporated organization and any government or any agency or political subdivision thereof.

(f) The term “including” means “including without limitation” and “including, but not limited to”.

ARTICLE 2

Findings, Designations, Elections, Representations and Warranties

The governing body of the City makes the following findings, designations, elections, representations and warranties as the basis for the undertakings on its part herein contained:

(1) The City has heretofore issued the Series 2009C Warrants. The governing body of the City has determined that it is in the public interest to refund, on a current basis, all or a portion of the Series 2009C Warrants, as shall be set forth in the Definitive Terms Certificate, in order to realize present value interest savings.

(2) The City is not in default in the payment of the principal of and interest on the Series 2009C Warrants.

(3) Pursuant to this ordinance, in order to effect the refunding of the Refunded Warrants, the City will issue the Series 2020 Warrants.

(4) In order to effect the refunding of the Refunded Warrants, the City may either (a) deposit in the Warrant Fund established with respect to the Series 2009C Warrants an amount sufficient to pay the entire principal of and interest coming due on the Refunded Warrants upon redemption or (b) enter into the Escrow Agreement simultaneously with the issuance of the Series 2020 Warrants pursuant to which the Escrow Fund will be established for the retirement of the Refunded Warrants, all as shall be provided in the Definitive Terms Certificate.

(5) In order to enhance flexibility in the timing of the sale of the Series 2020 Warrants, it is desirable for the governing body of the City to establish certain parameters that will govern the sale of the Series 2020 Warrants and to delegate to the Mayor of the City the power to approve the final terms of sale, and, accordingly, it is in the best interests of the City for the Mayor of the City to be authorized and directed to approve the final pricing terms of the Series 2020 Warrants, subject to the parameters established herein.

(6) Immediately after the issuance of the Series 2020 Warrants the total indebtedness of the City chargeable against the debt limitation for the City prescribed by the Alabama Constitution of 1901 will not be more than 20% of the assessed valuation of taxable property within the corporate limits of the City for the last fiscal year (ended on the next preceding September 30).

ARTICLE 3

The Series 2020 Warrants

SECTION 3.1 Authorization of Series 2020 Warrants

Pursuant to the authority to do so contained in the applicable provisions of the constitution and laws of Alabama, including particularly the Enabling Law, there is hereby authorized to be issued a series of warrants entitled "General Obligation Refunding Warrants, Series 2020". The Series 2020 Warrants shall be issued for the purposes specified in Article 2.

SECTION 3.2 Amount and Terms

(a) Subject to Section 7.2(b), the aggregate principal amount of the Series 2020 Warrants that may be authenticated and delivered and Outstanding shall be as described in the Definitive Terms Certificate.

(b) The Series 2020 Warrants shall be issuable as fully registered warrants without coupons in the denomination of \$5,000 or any multiple thereof. Each Series 2020 Warrant shall have a single principal maturity. The Series 2020 Warrants shall be numbered separately from 1 upward.

(c) The Series 2020 Warrants shall mature on February 15 in the years more particularly described in the Definitive Terms Certificate. Subject to Section 7.2(b), the principal amount of Series 2020 Warrants maturing on each Principal Payment Date and the applicable rate of interest for the Series 2020 Warrants of each maturity shall be set forth in the Definitive Terms Certificate.

(d) The Series 2020 Warrants shall be dated as of the date set forth in the Definitive Terms Certificate and shall bear interest from such date, or the most recent date to which interest has been paid or duly provided for, until the principal thereof shall become due and payable, at the applicable rate per annum set forth in subsection (c) above. Interest on the Series 2020 Warrants shall be payable on February 15 and August 15 in each year, beginning February 15, 2021 (each such date being herein called an "Interest Payment Date"), and shall be computed on the basis of a 360-day year with 12 months of 30 days each. Interest on overdue principal and premium and (to the extent legally enforceable) on any overdue installment of interest on the Series 2020 Warrants shall be payable at the Post-Default Rate.

(e) Interest on the Series 2020 Warrants payable on any Interest Payment Date prior to the maturity or redemption thereof (in whole or in part) shall be payable by check or draft mailed by the Paying Agent to the registered Holders of the Series 2020 Warrants at their addresses appearing in the Warrant Register. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date. Payment of the principal of (and premium, if any, on) the Series 2020 Warrants and payment of accrued interest on the Series 2020 Warrants due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender thereof at the Principal Office of the Paying Agent. Debt Service on the Series 2020 Warrants payable at maturity shall be payable only upon surrender thereof at the Principal Office of the Paying Agent.

(f) Subsection (e) of this section to the contrary notwithstanding, upon the written request of the Holder of Series 2020 Warrants in an aggregate principal amount of not less than \$100,000, the Paying Agent will make payment of the Debt Service due on such Series 2020 Warrant on any Warrant Payment Date by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for payment in same-day funds that is acceptable to the Paying Agent, provided that:

(1) such written request contains adequate instructions for the method of payment,

(2) the Holder agrees to pay the Paying Agent's customary charge for handling such wire transfer, and

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(3) payment of the principal of (and redemption premium, if any, on) such Series 2020 Warrant and payment of accrued interest on such Series 2020 Warrant due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender of such Series 2020 Warrant to the Paying Agent.

(g) The Series 2020 Warrants shall be subject to redemption prior to maturity as set forth in the Definitive Terms Certificate.

(h) Section 7.2(b) sets forth the parameters for the amount and terms of the Series 2020 Warrants. The Mayor of the City is hereby authorized and directed to execute and deliver in the name and on behalf of the City a certificate substantially as set forth in Exhibit 3.2(h) that establishes, within the parameters set forth in Section 7.2(b), the definitive amount and terms of the Series 2020 Warrants, with such changes or additions to such certificate or deletions to such certificate as the Mayor of the City shall approve, which approval shall be conclusively evidenced by his or her execution of such certificate (the "Definitive Terms Certificate"). In setting the definitive amount and terms of the Series 2020 Warrants reflected in the Definitive Terms Certificate, the Mayor of the City may rely upon the advice and recommendation of the employees of and advisors to the City.

SECTION 3.3 Form of Series 2020 Warrant The Series 2020 Warrants and the authentication certificate shall be substantially in the form set forth in Exhibit 3.3, with such appropriate insertions, omissions, substitutions and other variations as are required or permitted by this ordinance.

SECTION 3.4 Execution and Authentication

(a) The Series 2020 Warrants shall be executed on behalf of the City by its Mayor under its seal reproduced thereon and attested by its City Clerk, and the certification of registration of each Series 2020 Warrant as a claim against the Debt Service Fund shall be executed by the Executive Director of Finance of the City. The signature of any of these officers on the Series 2020 Warrants may be manual or, to the extent permitted by law, facsimile. Series 2020 Warrants bearing the manual or facsimile signatures of individuals who were at any time the proper officers of the City shall bind the City, notwithstanding that such individuals or any of them shall have ceased to hold such offices prior to the authentication and delivery of such Series 2020 Warrants or shall not have held such offices at the date of such Series 2020 Warrants.

(b) No Series 2020 Warrants shall be secured by, or be entitled to any lien, right or benefit under, this ordinance or be valid or obligatory for any purpose, unless there appears on such Series 2020 Warrant a certificate of authentication substantially in the form provided for herein, executed by the Paying Agent by manual signature, and such certificate upon any Series 2020 Warrant shall be conclusive evidence, and the only evidence, that such Series 2020 Warrant has been duly authenticated and delivered hereunder.

SECTION 3.5 Temporary Series 2020 Warrants

(a) Pending the preparation of definitive Series 2020 Warrants, the City may execute, and upon request of the City, the Paying Agent shall authenticate and deliver, temporary Series 2020 Warrants which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Series 2020 Warrants in lieu of which they are issued, with such appropriate insertions, omissions, substitutions and other variations as the officers executing such Series 2020 Warrants may determine, as evidenced by their execution of such Series 2020 Warrants.

(b) If temporary Series 2020 Warrants are issued, the City will cause definitive Series 2020 Warrants to be prepared without unreasonable delay. After the preparation of definitive Series 2020 Warrants, the temporary Series 2020 Warrants shall be exchangeable for definitive Series 2020 Warrants upon surrender of the temporary Series 2020 Warrants at the Principal Office of the Paying Agent, without charge to the Holder. Upon surrender for cancellation of any one or more temporary Series 2020 Warrants, the City shall execute and the Paying Agent shall authenticate and deliver in exchange therefor a like principal amount of definitive Series 2020 Warrants of authorized denominations. Until so

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exchanged, temporary Series 2020 Warrants shall in all respects be entitled to the security and benefits of this ordinance.

SECTION 3.6 Registration, Transfer and Exchange

(a) The City shall cause to be kept at the Principal Office of the Paying Agent a register (herein referred to as the "Warrant Register") in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of Series 2020 Warrants and registration of transfers of Series 2020 Warrants entitled to be registered or transferred as herein provided. The Paying Agent is hereby appointed Warrant Registrar for the purpose of registering Series 2020 Warrants and transfers of Series 2020 Warrants as herein provided.

(b) Upon surrender for transfer of any Series 2020 Warrant at the Principal Office of the Paying Agent, the City shall execute, and the Paying Agent shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Series 2020 Warrants of any authorized denominations and of the same maturity and aggregate principal amount.

(c) At the option of the Holder, Series 2020 Warrants may be exchanged for a like aggregate principal amount of Series 2020 Warrants, of any authorized denominations and of the same maturity, upon surrender of the Series 2020 Warrants to be exchanged at the Principal Office of the Paying Agent. Whenever any Series 2020 Warrants are so to be surrendered for exchange, the City shall execute, and the Paying Agent shall authenticate and deliver, the Series 2020 Warrants which the Holder making the exchange is entitled to receive.

(d) All Series 2020 Warrants surrendered upon any exchange or transfer provided for in this ordinance shall be promptly cancelled by the Paying Agent.

(e) All Series 2020 Warrants issued upon any transfer or exchange of Series 2020 Warrants shall be the valid obligations of the City and entitled to the same security and benefits under this ordinance as the Series 2020 Warrants surrendered upon such transfer or exchange.

(f) Every Series 2020 Warrant presented or surrendered for transfer or exchange shall (if so required by the City or the Paying Agent) be duly endorsed, or be accompanied by a written instrument of transfer in form satisfactory to the City and the Paying Agent duly executed, by the Holder thereof or his attorney duly authorized in writing.

(g) No service charge shall be made for any transfer or exchange of Series 2020 Warrants, but the City may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Series 2020 Warrants.

(h) The City shall not be required (i) to transfer or exchange any Series 2020 Warrant during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Series 2020 Warrants and ending at the close of business on the day of such mailing, (ii) to transfer or exchange any Series 2020 Warrant so selected for redemption in whole or in part, or (iii) to exchange any Series 2020 Warrant during a period beginning at the opening of business on any Regular Record Date and ending at the close of business on the relevant Interest Payment Date therefor.

SECTION 3.7 Mutilated, Destroyed, Lost and Stolen Series 2020 Warrants

(a) If (i) any mutilated Series 2020 Warrant is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to their satisfaction of the destruction, loss or theft of any Series 2020 Warrant, and (ii) there is delivered to the City and the Paying Agent such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice to the City or the Paying Agent that such Series 2020 Warrant has been acquired by a bona fide purchaser, the City shall execute and upon its request the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any

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such mutilated, destroyed, lost or stolen Series 2020 Warrant, a new Series 2020 Warrant of like tenor and principal amount, bearing a number not contemporaneously Outstanding.

(b) Upon the issuance of any new Series 2020 Warrant under this section, the City may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses connected therewith.

(c) Every new Series 2020 Warrant issued pursuant to this section in lieu of any destroyed, lost or stolen Series 2020 Warrant shall constitute an original additional contractual obligation of the City, whether or not the destroyed, lost or stolen Series 2020 Warrant shall be at any time enforceable by anyone, and shall be entitled to all the security and benefits of this ordinance equally and ratably with all other Outstanding Series 2020 Warrants.

(d) The provisions of this section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Series 2020 Warrants.

SECTION 3.8 Payment of Interest on Series 2020 Warrants; Interest Rights Preserved

(a) Interest on any Series 2020 Warrant which is payable on any Interest Payment Date shall be paid to the person in whose name that Series 2020 Warrant is registered at the close of business on the Regular Record Date for such interest, which shall be the 1st day (whether or not a Business Day) of the month of such Interest Payment Date. Payment of the principal of (and premium, if any, on) the Series 2020 Warrants and payment of accrued interest due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender of the Series 2020 Warrants at the Principal Office of the Paying Agent.

(b) Any interest on any Series 2020 Warrant which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the Holder on the relevant Regular Record Date solely by virtue of such Holder having been such Holder; and such Defaulted Interest shall be paid by the City to the persons in whose names such Series 2020 Warrants are registered at the close of business on a special record date (herein called a "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Series 2020 Warrant and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the City shall deposit with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held solely for the benefit of the persons entitled to such Defaulted Interest as in this subsection provided. Thereupon, the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment and not less than 10 days after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each Holder of a Series 2020 Warrant at his address as it appears in the Warrant Register not less than 10 days prior to such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore having been mailed as aforesaid, such Defaulted Interest shall be paid to the persons in whose names the Series 2020 Warrants are registered on such Special Record Date.

(c) Subject to the foregoing provisions of this section, each Series 2020 Warrant delivered under this ordinance upon transfer of or in exchange for or in lieu of any other Series 2020 Warrant shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Series 2020 Warrant and each such Series 2020 Warrant shall bear

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interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

SECTION 3.9 Persons Deemed Owners The City, the Paying Agent and any agent of the City or the Paying Agent may treat the person in whose name any Series 2020 Warrant is registered as the owner of such Series 2020 Warrant for the purpose of receiving payment of Debt Service on such Series 2020 Warrant (subject to Section 3.8) and for all other purposes whatsoever whether or not such Series 2020 Warrant is overdue, and, to the extent permitted by law, neither the City, the Paying Agent nor any such agent shall be affected by notice to the contrary.

SECTION 3.10 Paying Agent

(a) Regions Bank, an Alabama banking corporation, is hereby appointed Paying Agent for the purpose of paying Debt Service on the Series 2020 Warrants on behalf of the City.

(b) The Debt Service on the Series 2020 Warrants shall, except as otherwise provided herein, be payable at the Principal Office of the Paying Agent.

(c) The Paying Agent may be removed at any time (i) by an instrument or concurrent instruments in writing delivered to the Paying Agent and the City signed by the Holders of a majority in aggregate principal amount of the Series 2020 Warrants then Outstanding, or (ii) if no default exists with respect to the payment of the Series 2020 Warrants, by a written notice delivered to the Paying Agent and signed on behalf of the City by an Authorized City Representative.

(d) If the bank designated as Paying Agent pursuant to subsection (a) of this section shall resign or be removed or shall become incapable of acting or shall be adjudged a bankrupt or insolvent or a receiver of it or of its property shall be appointed or any public officer shall take charge or control of it or of its property or affairs for the purpose of rehabilitation, conservation or liquidation, then, in any such case, the City shall appoint a successor Paying Agent. Any successor Paying Agent must have capital and surplus of not less than \$50,000,000, must be subject to supervision or examination by federal or State of Alabama authority, and must have a corporate trust office within the State of Alabama. The City shall give notice of the appointment of any such successor Paying Agent by first-class mail, postage prepaid, to the Holders of Series 2020 Warrants as their names or addresses appear in the Warrant Register.

SECTION 3.11 Book Entry Only System

(a) The registration and payment of Series 2020 Warrants shall be made pursuant to the Book-Entry Only System (the "Book-Entry Only System") administered by The Depository Trust Company ("DTC") in accordance with the Blanket Letter of Representations on file with DTC and incorporated by reference in this ordinance (the "Letter of Representations") until such System is terminated pursuant to Section 3.11(c).

(b) While Series 2020 Warrants are in the Book-Entry Only System the following provisions shall apply for purposes of this ordinance and shall supersede any contrary provisions of this ordinance:

(1) Notwithstanding the fact that DTC may hold a single physical certificate for each stated maturity for purposes of the Book-Entry Only System, the term "Series 2020 Warrants" shall mean each separate Security (as defined in the Letter of Representations) issued pursuant to the Book-Entry Only System, and the term "Holder" shall mean the person identified on the records of DTC as the owner of the related Security.

(2) The terms and limitations of this ordinance with respect to each separate Series 2020 Warrant shall be applicable to each separate Security registered under the Book-Entry Only System.

(3) All notices under this ordinance to Holders of Series 2020 Warrants from either the City or the Paying Agent shall be delivered by the City or the Paying Agent, as the case may

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be, to DTC for distribution by DTC in accordance with the Letter of Representations. All notices under this ordinance to or from persons other than a Holder of a Series 2020 Warrant shall be delivered directly to such person as provided in this ordinance and shall not be delivered through DTC or the Book-Entry Only System.

(4) All payments of Debt Service on the Series 2020 Warrants shall be made by the Paying Agent to DTC and shall be made by DTC to the Participants (as such term is defined in the Letter of Representations) as provided in the Letter of Representations. All such payments shall be valid and effective fully to satisfy and discharge the City's obligations with respect to such payments.

(5) The Beneficial Owners (as such term is defined in the Letter of Representations) of the Series 2020 Warrants, by their acquisition of any beneficial interest in a Series 2020 Warrant or Series 2020 Warrants, and the Participants severally agree that the City and the Paying Agent shall not have any responsibility or obligation to any Participant or any Beneficial Owner with respect to (1) the accuracy of any records maintained by DTC or any Participant; (2) the payment by DTC or any Participant of any amount due to any Beneficial Owner in respect of the principal of, purchase price of, premium (if any) and interest on the Series 2020 Warrants; (3) the delivery or timeliness of delivery by DTC or any Participant of any notice due to any Beneficial Owner which is required or permitted under the terms of this ordinance to be given to Beneficial Owners; or (4) any consent given or other action taken by DTC or its nominee, as owner.

(c) If the City and the Paying Agent concur that it would be in the best interests of the Holders of the Series 2020 Warrants for the Book-Entry Only System to be discontinued (in whole or in part), such Book-Entry Only System shall be discontinued (in whole or in part) in accordance with the provisions of the Letter of Representations. In addition, the Book-Entry Only System may be discontinued (in whole or in part) at any time by the City or the Paying Agent acting alone in accordance with the Letter of Representations.

SECTION 3.12 Payments Due on a Day Other Than a Business Day

If any payment on the Series 2020 Warrants is due on a day which is not a Business Day, such payment shall be made on the first succeeding day which is a Business Day with the same effect as if made on the day such payment was due.

SECTION 3.13 Cancellation

All Series 2020 Warrants surrendered for payment, redemption, transfer or exchange shall be promptly cancelled by the Paying Agent. No Series 2020 Warrants shall be registered in lieu of or in exchange for any Series 2020 Warrant cancelled as provided in this section, except as expressly provided by this ordinance.

ARTICLE 4

Redemption of Series 2020 Warrants

SECTION 4.1 General Applicability of Article

(a) The Series 2020 Warrants shall be redeemable in accordance with the redemption provisions set forth in Section 3.2(g), the Definitive Terms Certificate, and the provisions of this article.

(b) The Series 2020 Warrants shall be redeemed in accordance with the mandatory redemption provisions of the Series 2020 Warrants without any direction from or consent by the City. The Series 2020 Warrants shall be redeemed in accordance with the optional redemption provisions of the Series 2020 Warrants only upon direction of the City.

SECTION 4.2 Election to Redeem; Notice to Paying Agent

The election of the City to exercise any right of optional redemption shall be evidenced by a certified resolution or ordinance of the governing body of the City delivered to the Paying

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Agent. In case of any redemption at the option of the City of less than all the Outstanding Series 2020 Warrants, the City shall, at least 60 days prior to the date fixed by the City for redemption of Series 2020 Warrants (unless a shorter notice shall be satisfactory to the Paying Agent), notify the Paying Agent of such redemption date and of the principal amount and maturities of Series 2020 Warrants to be redeemed.

SECTION 4.3 Selection by Paying Agent of Series 2020 Warrants to be Redeemed

(a) Except in the case of mandatory redemption of the Term Warrants, if any, if less than all Series 2020 Warrants Outstanding are to be redeemed, those maturities or portions of maturities of the Series 2020 Warrants to be redeemed may be specified by the City by written notice to the Paying Agent, or, in the absence of timely receipt by the Paying Agent of such notice, shall be selected by the Paying Agent by lot or by such other method as the Paying Agent shall deem fair and appropriate; provided, however, that (i) the principal amount of Series 2020 Warrants of each maturity to be redeemed must be a multiple of the smallest authorized denomination of Series 2020 Warrants, and (ii) if less than all Series 2020 Warrants with the same stated maturity are to be redeemed, the Series 2020 Warrants of such maturity to be redeemed shall be selected by lot by the Paying Agent.

(b) Except as otherwise provided in the specific redemption provisions for the Series 2020 Warrants, if less than all Series 2020 Warrants with the same maturity and interest rate are to be redeemed, the particular Series 2020 Warrants of such maturity and interest rate to be redeemed shall be selected by the Paying Agent not less than 30 nor more than 60 days prior to the redemption date from the Outstanding Series 2020 Warrants of such maturity and interest rate then eligible for redemption in accordance with the Book-Entry Only System or, if the Book-Entry Only System is no longer in effect, by lot or by such other method as the Paying Agent shall deem fair and appropriate and which may provide for the selection for redemption of portions (in authorized denominations) of the principal of Series 2020 Warrants of such maturity and interest rate of a denomination larger than the smallest authorized denomination.

(c) The Paying Agent shall promptly confirm to the City in writing the Series 2020 Warrants selected for redemption and, in the case of any Series 2020 Warrant selected for partial redemption, the principal amount thereof to be redeemed.

(d) For all purposes of this ordinance, unless the context otherwise requires, all provisions relating to the redemption of Series 2020 Warrants shall relate, in the case of any Series 2020 Warrant redeemed or to be redeemed only in part, to the portion of the principal of such Series 2020 Warrant which has been or is to be redeemed.

SECTION 4.4 Notice of Redemption

(a) Unless waived by the Holders of all Series 2020 Warrants then Outstanding, notice of redemption shall be given by first-class mail, postage prepaid, mailed not less than 30 nor more than 60 days prior to the redemption date, to each Holder of Series 2020 Warrants to be redeemed at his address appearing in the Warrant Register.

(b) All notices of redemption shall state:

(1) the redemption date,

(2) the redemption price,

(3) the principal amount of Series 2020 Warrants to be redeemed, and, if less than all Outstanding Series 2020 Warrants are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Series 2020 Warrants to be redeemed,

(4) that on the redemption date the redemption price of each of the Series 2020 Warrants to be redeemed will become due and payable and that the interest thereon shall cease to accrue from and after said date,

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(5) the place or places where the Series 2020 Warrants to be redeemed are to be surrendered for payment of the redemption price, and

(6) any conditions to such redemption specified in accordance with the provisions of Section 4.4(e).

(c) Notice of redemption of Series 2020 Warrants to be redeemed at the option of the City shall be given by the City or, at the City's request, by the Paying Agent in the name and at the expense of the City. Notice of redemption of Series 2020 Warrants in accordance with the mandatory redemption provisions of the Series 2020 Warrants shall be given by the Paying Agent in the name and at the expense of the City.

(d) The City and the Paying Agent shall, to the extent practical under the circumstances, comply with the standards set forth in the United States Securities and Exchange Commission's Exchange Act Release No. 23856 dated December 3, 1986, regarding redemption notices, but their failure to do so shall not in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed in this section.

(e) A notice of optional redemption may state that the redemption of Series 2020 Warrants is contingent upon specified conditions such as receipt of a specified source of funds or the occurrence of specified events. If the conditions for such redemption are not met, the City shall not be required to redeem Series 2020 Warrants (or portions thereof) identified in such notice, and any Series 2020 Warrants surrendered on the specified redemption date shall be returned to the Holders of such Series 2020 Warrants.

SECTION 4.5 Deposit of Redemption Price Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Series 2020 Warrants which are to be redeemed on that date. Such money shall be held solely for the benefit of the persons entitled to such redemption price.

SECTION 4.6 Series 2020 Warrants Payable on Redemption Date

(a) Notice of redemption having been given as aforesaid, the Series 2020 Warrants so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Series 2020 Warrants shall cease to bear interest. Upon surrender of any such Series 2020 Warrant for redemption in accordance with said notice, such Series 2020 Warrant shall be paid by the City at the redemption price. Installments of interest due prior to the redemption date shall be payable to the Holders of the Series 2020 Warrants registered as such on the relevant Record Dates according to the terms of such Series 2020 Warrants and the provisions of Section 3.8.

(b) If any Series 2020 Warrant called for redemption shall not be so paid upon surrender thereof for redemption, the principal (and premium, if any) shall, until paid, bear interest from the redemption date at the Post-Default Rate.

SECTION 4.7 Series 2020 Warrants Redeemed in Part

Any Series 2020 Warrant which is to be redeemed only in part shall be surrendered at the Principal Office of the Paying Agent (with, if the City or the Paying Agent so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the City and the Paying Agent duly executed by, the Holder thereof or his attorney duly authorized in writing), and the City shall execute and the Paying Agent shall authenticate and deliver to the Holder of such Series 2020 Warrant, without service charge, a new Series 2020 Warrant or Series 2020 Warrants, of the same maturity and of any authorized denomination or denominations, as requested by such Holder in an aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Series 2020 Warrant so surrendered.

ARTICLE 5

Source of Payment, Etc. SECTION

5.1 General Obligation

The indebtedness evidenced and ordered paid by the Series 2020 Warrants shall be a general obligation of the City for the payment of Debt Service on which the full faith and credit of the City are hereby irrevocably pledged, pro rata and without preference or priority of one Series 2020 Warrant over another. The City hereby covenants and agrees to levy and collect taxes, to the maximum extent permitted by law, at such rate or rates as shall make available tax proceeds which, when added to the revenues of the City from other sources available for such purposes, will be sufficient to pay reasonable expenses of carrying on the necessary governmental functions of the City and to pay Debt Service on the Series 2020 Warrants as the same shall become due and payable.

SECTION 5.2 Provision for Payment of Series 2020 Warrants

(a) If Debt Service on the Series 2020 Warrants is paid in accordance with the terms of the Series 2020 Warrants and this ordinance, then all covenants, agreements and other obligations of the City to the Holders of the Series 2020 Warrants shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Paying Agent shall pay to the City any surplus remaining in the Debt Service Fund.

(b) Series 2020 Warrants shall, prior to the maturity or redemption date thereof, be deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this section if the Paying Agent is provided with the following:

(1) a trust agreement between the City and any bank or other financial institution having corporate trust powers making provision for the retirement of such Series 2020 Warrants by creating for that purpose an irrevocable trust fund sufficient to provide for payment and retirement of such Series 2020 Warrants (including payment of the interest that will accrue thereon until and on the date they are retired, as such interest becomes due and payable), either by redemption prior to their respective maturities, by payment at their respective maturities or by payment of part thereof at their respective maturities and redemption of the remainder prior to their respective maturities, which said trust fund shall consist of (i) Federal Securities which are not subject to redemption prior to their respective maturities at the option of the issuer and which, if the principal thereof and the interest thereon are paid at their respective maturities, will produce funds sufficient so to provide for payment and retirement of all such Series 2020 Warrants or (ii) both cash and such Federal Securities (or a combination thereof) which together will produce funds sufficient for such purpose, or (iii) cash sufficient for such purpose; provided, however, that said trust agreement shall require all cash held on deposit in such trust to be kept continuously secured by holding on deposit as collateral security therefore Federal Securities having a market value at least equal at all times to the amount to be secured thereby, unless such cash is kept on deposit in U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations that are qualified public depositories under Chapter 14A of Title 41 of the Code of Alabama 1975;

(2) a certified copy of a duly adopted resolution or ordinance of the governing body of the City calling for redemption those of such Series 2020 Warrants that, according to said trust agreement, are to be redeemed prior to their respective maturities;

(3) evidence satisfactory to the Paying Agent that, if the principal of and the interest on the investments (if any) forming part of the trust fund provided for in the preceding subparagraph (1) are paid on the respective due dates of such principal and interest, said trust fund will produce funds sufficient to provide for the full payment and retirement of such Series 2020 Warrants; and

(4) a Favorable Tax Opinion.

(c) Any trust established pursuant to this section may provide for payment of less than all Series 2020 Warrants Outstanding or less than all Series 2020 Warrants of any remaining maturity.

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(d) If any trust provides for payment of less than all Series 2020 Warrants with the same maturity and interest rate, the Series 2020 Warrants of such maturity and interest rate to be paid from the trust shall be selected by the Paying Agent by lot by such method as shall provide for the selection of portions (in authorized denominations) of the principal of Series 2020 Warrants of such maturity and interest rate of a denomination larger than the smallest authorized denomination. Such selection shall be made within 7 days after such trust is established. This selection process shall be in lieu of the selection process provided for in Section 4.3 if and to the extent that Series 2020 Warrants payable from such trust are to be redeemed prior to maturity. After such selection is made, the Series 2020 Warrants that are to be paid from such trust (including the Series 2020 Warrants issued in exchange for such Series 2020 Warrants pursuant to the transfer or exchange provisions of this ordinance) shall be identified by a separate CUSIP number or other designation satisfactory to the Paying Agent. The Paying Agent shall notify Holders whose Series 2020 Warrants (or portions thereof) have been selected for payment from such trust and shall direct such Holders to surrender their Series 2020 Warrants to the Paying Agent in exchange for the Series 2020 Warrants with the appropriate designation. The selection of the Series 2020 Warrants for payment from such trust pursuant to this section shall be conclusive and binding on the Holders, the City and the Paying Agent.

SECTION 5.3 Officers, Etc. Exempt from Individual Liability

No recourse under or upon any covenant or agreement of this ordinance, or of any Series 2020 Warrants, or for any claim based thereon or otherwise in respect thereof, shall be had against any past, present or future officer or member of the governing body of the City, or of any successor, either directly or through the City, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly understood that this ordinance and the Series 2020 Warrants issued hereunder are solely corporate obligations, and that no personal liability whatever shall attach to, or is or shall be incurred by, any officer or member of the governing body of the City or any successor, or any of them, because of the issuance of the Series 2020 Warrants, or under or by reason of the covenants or agreements contained in this ordinance or in any Series 2020 Warrants or implied therefrom.

ARTICLE 6

The Debt Service Fund

SECTION 6.1 The Debt Service Fund

(a) There is hereby established a special fund with the Paying Agent entitled "General Obligation Refunding Warrants, Series 2020 Debt Service Fund" (herein called the "Debt Service Fund"). Money in the Debt Service Fund shall be used solely for the payment of Debt Service on the Series 2020 Warrants as the same shall become due and payable.

(b) On or before the 15th day of each February and August, beginning February 15, 2021, the City will deposit into the Debt Service Fund an amount equal to Debt Service payable on the Series 2020 Warrants on the next succeeding Warrant Payment Date. If on any Interest Payment Date the balance in the Debt Service Fund is insufficient to pay the Debt Service on the Series 2020 Warrants due and payable on such date, the City shall forthwith pay any such deficiency into the Debt Service Fund.

SECTION 6.2 Transfer of Funds The Executive Director of Finance for the City shall collect taxes, revenues and other general funds of the City available for the payment of Debt Service on the Series 2020 Warrants and shall deposit the same in the Debt Service Fund in the amounts and at the times required by Section 6.1.

SECTION 6.3 Security for Debt Service Fund Any money on deposit in the Debt Service Fund or otherwise held by the Paying Agent pursuant to this ordinance shall be impressed with a trust for the purpose for which the Debt Service Fund is created and shall, unless invested as provided herein or secured by the Federal Deposit Insurance Corporation (or any successor agency of the United States of America), be secured for the benefit of the City and the Holders of the Series 2020 Warrants either

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(1) by holding on deposit as collateral security Federal Securities, or other marketable securities eligible as security for the deposit of public funds under regulations of the Comptroller of the Currency, having a market value (exclusive of accrued interest) not less than the amount of money being secured, or

(2) if the furnishing of security in the manner provided in the foregoing paragraph (1) is not permitted by the then applicable laws and regulations, then in such manner as may be required or permitted by the applicable State of Alabama and Federal laws and regulations respecting the security for, or granting a preference in the case of, the deposit of public funds.

SECTION 6.4 Investment of Debt Service Fund

(a) The Paying Agent shall invest or reinvest any money on deposit in the Debt Service Fund not then needed for the payment of Debt Service on the Series 2020 Warrants in Qualified Investments upon receipt of written direction from the City. All such investments must mature or be subject to redemption at the option of the Holder on or prior to the respective date or dates when cash funds will be required for purposes of the Debt Service Fund. Any investment made with money on deposit in the Debt Service Fund shall be held by or under control of the Paying Agent and shall be deemed at all times a part of the Debt Service Fund.

(b) All interest accruing on such investments and any profit realized therefrom shall be deposited in the Debt Service Fund and shall be credited to the deposits required by Section 6.1. Any losses resulting from liquidation of investments shall be charged to the Debt Service Fund and shall be added to the next ensuing deposit specified in Section 6.1. The Paying Agent shall sell and reduce to cash a sufficient portion of such investments whenever the cash balance in the Debt Service Fund is insufficient to pay Debt Service on the Series 2020 Warrants when due.

(c) Any investment of money in the Debt Service Fund may be made by the Paying Agent through its own bond department or investment department, and any certificates of deposit issued by the Paying Agent shall be deemed investments rather than deposits.

(d) Any cash balances remaining in the Debt Service Fund shall be kept continuously secured by holding on deposit as collateral security therefor Federal Securities having a market value at least equal at all times to the amount to be secured thereby, unless such cash is kept on deposit in U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations that are qualified public depositories under Chapter 14A of Title 41 of the Code of Alabama 1975.

ARTICLE 7

Sale and Delivery of Series 2020 Warrants

SECTION 7.1 Sale of Series 2020 Warrants

(a) The Series 2020 Warrants are hereby authorized to be sold to The Frazer Lanier Company Incorporated and Hancock Whitney Investment Services, Inc. (the "Underwriters") on the terms and conditions set forth in the Definitive Terms Certificate and the Purchase Agreement.

(b) The Underwriters shall be under no duty to inquire as to the application of the proceeds of the Series 2020 Warrants. Nevertheless, such proceeds shall be held and applied solely for the purposes specified in this ordinance.

SECTION 7.2 Official Statement, Purchase Agreement, Continuing Disclosure Agreement and Other Documents

(a) The governing body of the City does hereby authorize the Mayor and the Executive Director of Finance of the City, acting with the advice and recommendation of the

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employees of and advisors to the City, to prepare the Purchase Agreement, the Continuing Disclosure Agreement and, if required, the Escrow Agreement, and the Purchase Agreement, the Continuing Disclosure Agreement and the Escrow Agreement shall be in such form as the Mayor of the City, acting with the advice and recommendation of the employees of and advisors to the City, shall determine to be necessary or desirable in order to consummate the transactions authorized by this ordinance, the determination of the definitive form of the Purchase Agreement, the Continuing Disclosure Agreement and the Escrow Agreement by the Mayor of the City to be conclusively established by his execution of the same. Further, the governing body of the City does hereby authorize the Mayor and the Executive Director of Finance of the City, acting with the advice and recommendation of the employees of and advisors to the City, to prepare the Preliminary Official Statement, and the governing body of the City does hereby approve, authorize, ratify and confirm the distribution, on or after the date hereof, of the Preliminary Official Statement to prospective purchasers of the Series 2020 Warrants. The Preliminary Official Statement shall be in substantially the form presented at the meeting at which this Ordinance is adopted, with such additions (including, without limitation, addition of the appendices thereto) and revisions as the Mayor and Executive Director of Finance of the City shall approve. The Mayor or the Executive Director of Finance is hereby authorized to deem the Preliminary Official Statement "final" as contemplated by Rule 15c2-12 promulgated by the United States Securities and Exchange Commission. The Mayor and the Executive Director of Finance of the City are hereby authorized and directed to complete the Preliminary Official Statement (such Preliminary Official Statement as completed being herein referred to as the "Official Statement") with (i) information relating to the terms of sale of and interest rates on the Series 2020 Warrants as herein provided and as provided in the Definitive Terms Certificate, (ii) such information regarding reoffering prices or yields on the Series 2020 Warrants as shall be provided by the purchaser of the Series 2020 Warrants and (iii) such changes or additions thereto or deletions therefrom as the executing officers shall approve and shall be acceptable to the purchaser of the Series 2020 Warrants. The Mayor and the Executive Director of Finance of the City are hereby authorized and directed to date the Official Statement as of an appropriate date and to deliver the Official Statement in the name and on behalf of the City.

(b) The Series 2020 Warrants shall be sold pursuant to the Purchase Agreement. In order to provide for the sale of the Series 2020 Warrants, the Mayor of the City is hereby authorized and directed to execute and deliver the Purchase Agreement for and in the name and behalf of the City. The Purchase Agreement shall be in such form as the Mayor of the City, acting with the advice and recommendation of the employees of and advisors to the City, shall determine to be necessary or desirable in order to consummate the transactions authorized by this ordinance, the determination of the definitive form of the Purchase Agreement by the Mayor of the City to be conclusively established by his execution of the same. Notwithstanding the foregoing provisions of this paragraph, the Mayor of the City shall not execute and deliver the Purchase Agreement unless (1) the principal amount of the Series 2020 Warrants does not exceed \$7,000,000; (2) the final maturity date for the Series 2020 Warrants is not later than the final maturity date for the Refunded Warrants; (3) the interest rate for any maturity of the Series 2020 Warrants does not exceed 5%; (4) the weighted average maturity of the Series 2020 Warrants does not exceed the remaining weighted average maturity of the Refunded Warrants; (5) the period of time between the date of the Series 2020 Warrants and the first date on which the Series 2020 Warrants are subject to optional redemption is no longer than ten (10) years, and the redemption price payable on the Series 2020 Warrants in connection with any such optional redemption does not exceed the principal thereof and accrued interest thereon to the date of redemption; (6) the all-in total interest cost for the Series 2020 Warrants (that is, taking into account accrued interest, any original issue discount or original issue premium, the underwriters' discount, any premiums or fees for credit enhancement paid from proceeds of the Series 2020 Warrants, and any other costs of issuance paid from proceeds of the Series 2020 Warrants) is not greater than three percent (3%); (7) the underwriters' discount reflected in the Purchase Agreement does not exceed \$5.00 per thousand dollars of the principal amount of the Series 2020 Warrants; and (8) the net present value savings (as a percentage of the Refunded Warrants) achieved by refunding the Refunded Warrants is not less than 5.0%. The Mayor's execution and delivery of the

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Purchase Agreement and the Definitive Terms Certificate shall constitute his approval of the final pricing terms of the Series 2020 Warrants.

(c) If the Mayor shall determine, based upon advice of the Executive Director of Finance, that no governmental entity or public corporation which issues obligations “on behalf of” the City or which is a “subordinate entity” of the City, as those terms are used in Section 265(b)(3) of the Internal Revenue Code, has issued during calendar year 2020 or expects to issue during the remainder of 2020, warrants, notes or other obligations the interest on which is excludable from income for federal income tax purposes in a principal amount, including the Series 2020 Warrants, in excess of \$10,000,000, the Mayor is authorized and directed to designate the Series 2020 Warrants as “qualified tax-exempt obligations” under Section 265(b) of the Code.

(d) The Mayor or the Executive Director of Finance of the City and any person or persons designated and authorized by either of such officers to act in the name and on behalf of the City, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, to pay or cause to be paid on behalf of the City such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, amendments, further assurances or other instruments or communications, under the seal of the City or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to carry into effect the intent of the provisions of this ordinance and to demonstrate the validity of the Series 2020 Warrants, the absence of any pending or threatened litigation with respect to the Series 2020 Warrants and the transactions contemplated by this ordinance, and the exemption of interest on the Series 2020 Warrants from Federal and State of Alabama income taxation.

(e) Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this ordinance except that such action was taken prior to the adoption of this ordinance, is hereby ratified, confirmed, approved and adopted.

SECTION 7.3 Application of Proceeds

The proceeds from the sale of the Series 2020 Warrants shall be delivered to the Paying Agent for deposit in a clearance account and shall be applied by the Paying Agent for the purposes of paying the costs of issuance of the Series 2020 Warrants and making the required deposit to the Warrant Fund for the Series 2009C Warrants or the Escrow Account, as more specifically set forth in the Definitive Terms Certificate.

SECTION 7.4 Redemption of Series 2009C Warrants

The City hereby exercises its option to call the Series 2009C Warrants for redemption and payment in advance of their maturities. Those Series 2009C Warrants to be called for redemption in connection with the refunding of all or a portion of the Series 2009C Warrants shall be set forth in the Definitive Terms Certificate.

ARTICLE 8

Miscellaneous

SECTION 8.1 Agreement to Pay Attorneys’ Fees

If the City should default under any of the provisions of this ordinance and the Holder of any Series 2020 Warrant should employ attorneys or incur other expenses for the collection of any payments due hereunder or the enforcement of performance or observance of any agreement or covenant on the part of the City herein contained, the City will (to the extent legally enforceable) on demand therefor pay to such Holder the reasonable fees of such attorneys and such other expenses so incurred.

SECTION 8.2 Provisions of Ordinance a Contract

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The terms, provisions and conditions set forth in this ordinance constitute a contract between the City and the Holders of the Series 2020 Warrants and shall remain in effect until the Debt Service on the Series 2020 Warrants shall have been paid in full or provision for such payment has been made in accordance with Section 5.2.

SECTION 8.3 Separability Clause

If any provision in this ordinance or in the Series 2020 Warrants shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

SECTION 8.4 Governing Law

This ordinance shall be construed in accordance with and governed by the laws of the State of Alabama.

SECTION 8.5 Designation of Time for Performance

Except as otherwise expressly provided herein, any reference in this ordinance to the time of day shall mean (a) if the Book-Entry Only System is in effect, the time of day in the city where DTC maintains its place of business for the performance of its obligations under the Book-Entry Only System or (b) if the Book-Entry Only System is no longer in effect, the time of day in the city where the Paying Agent maintains its place of business for the performance of its obligations under this ordinance.

SECTION 8.6 Notices to Holders of the Series 2020 Warrants; Waiver

(a) Where this ordinance provides for notice to any Holder of a Series 2020 Warrant of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to such Holder at the address of such Holder as it appears in the Warrant Register, not later than the latest date, and not earlier than the earliest date, prescribed for the giving of such notice.

(b) In any case where notice to Holders of the Series 2020 Warrants is given by mail, neither the failure to mail such notice, nor any defect in any notice so mailed, to any particular Holder shall affect the sufficiency of such notice with respect to other Holders of the Series 2020 Warrants. Where this ordinance provides for notice in any manner, such notice may be waived in writing by the person entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders of the Series 2020 Warrants shall be filed with the City and the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 8.7 Tax Certificate and Agreement

The City agrees that it will comply with the covenants and agreements to be made by it in the Tax Certificate and Agreement, to be executed and delivered in conjunction with the delivery of the Series 2020 Warrants.

SECTION 8.8 Amendment of Description of Uses of Series 2020 Warrant Proceeds

The City may amend or change the description of the uses of Series 2020 Warrant proceeds contained in this ordinance, provided that: (1) the governing body of the City adopts a resolution or ordinance setting forth such amendment or change, (2) the uses, as so amended or changed, are eligible for financing with proceeds of warrants issued pursuant to the Enabling Law, (3) such amendment or change will not cause the amount of the Series 2020 Warrants chargeable against the City's constitutional limitation on indebtedness to increase, and (4) such amendment or change would not cause interest on the Series 2020 Warrants to become Taxable.

SECTION 8.9 Inspection of Records

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The City will at any and all times, upon the request of the Paying Agent, afford and procure a reasonable opportunity for the Paying Agent by its representatives to inspect any books, records, reports and other papers of the City relating to the performance by the City of its covenants in this ordinance, and the City will furnish to the Paying Agent any and all information as the Paying Agent may reasonably request with respect to the performance by the City of its covenants in this ordinance.

SECTION 8.10 Amendments to Ordinance Not to Affect Tax Exemption

No amendment may be made to this ordinance or the Series 2020 Warrants unless the Paying Agent receives a Favorable Tax Opinion.

SECTION 8.11 Repeal of Conflicting Provisions

All resolutions, ordinances and orders or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 8.12 Effect of Headings and Table of Contents

The article and section headings herein and in the table of contents are for convenience only and shall not affect the construction hereof.

SECTION 8.13 Remedies

In the event that the City should default in the payment of the principal of or interest on the Series 2020 Warrants, or should fail to comply with any of the other covenants and agreements contained in this ordinance, the Holders of the Series 2020 Warrants shall be entitled to exercise all available remedies under the laws of the State of Alabama, whether in law or at equity.

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

CIP RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION COMPANY, LLC FOR STREET RECONSTRUCTION FOR LITTLE FLOWER AVENUE, \$472,745.05. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-479-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

WHEREAS, bids for street resurfacing for district 2 was received and opened on May 27, 2020.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from McElhenney Construction Company, LLC, in the amount of \$472,745.05

WHEREAS, the City Council finds that the lowest responsible bid was submitted by McElhenney Construction Company, LLC.

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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, respectfully, for and on behalf of the City of Mobile, a contract with the company listed below for work that is 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: McElhenney Construction Company, LLC
Project name: Little Flower Avenue
Project number: 2016-3005-09
Amount: \$472,745.05

The resolution was read by the City Clerk; whereupon Councilmember Daves moved that the resolution be adopted, which was seconded by Councilmember Small 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 CHANGE ORDER #1 WITH YOUNGBLOOD-BARRETT CONSTRUCTION & ENGINEERING, LLC FOR DOG RIVER PARK IMPROVEMENTS – PHASE 2-RENOVATIONS AND NEW RESTROOM, \$139,795.09. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 13-480-2020
Sponsored by: Councilmember Williams 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, respectfully, for and on behalf of the City of Mobile, Change Order No. one (1) to the Contract with Youngblood-Barrett Construction & Engineering, LLC whereby the sum of \$139,795.09 is added to the original contract amount. A copy of said change order is on file in the office of the City Clerk.

Project name: Dog River Park Improvements – Phase 2
Renovations and New Restroom
2459 Dog River Drive North
Mobile, Alabama 36605
PR-116B-17

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

RESOLUTIONS HELD OVER:

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AUTHORIZE AGREEMENT WITH PC SPECIALISTS, INC., D/B/A TECHNOLOGY INTEGRATION GROUP, FOR COMPUTER NETWORK SECURITY ARCHITECTURE AND CONFIGURATION, \$50,000.00. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 01-481-2020

Sponsored by: 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, an Agreement by and between the City of Mobile and PC Specialists, Inc., d/b/a Technology Integration Group, for expert remote and onsite engineering support and advisory recommendations on computer network security architecture and configuration, for the period July 7, 2020, through July 6, 2021, in an amount not to exceed \$50,000, as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

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.

APPROVE PURCHASE ORDER TO SUNBELT FIRE INC. FOR 185 PAIRS OF FIREFIGHTER BOOTS, \$73,815.00. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-482-2020

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>13226</u>	2020	(1510) FIRE ADMINISTRATION	185 PAIRS OF FIREFIGHTER LEATHER PULL ON BOOTS (SEALED BID 5387)	\$73,815.00	<u>(198904)</u> <u>SUNBELT FIRE INC</u>

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:

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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 TINDLE CONSTRUCTION LLC FOR MOBILE CIVIC CENTER-THEATER PLASTER REPAIRS, \$55,550.00. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-483-2020

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, respectfully, 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 is 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: Tindle Construction LLC

Project name: Mobile Civic Center – Theater Plaster Repairs

Project number: CC-037-20

Amount: \$55,555.00

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 WATERMARK DESIGN GROUP, LLC FOR FIRE TRAINING CENTER-ADMINISTRATIVE/CLASSROOM BUILDING DESIGN, \$54,000.00. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-484-2020

Sponsored by: Councilmember Small 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: Watermark Design Group, LLC

Project name: Fire Training Center –
Administration/Classroom Building Design

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Project number: FD-068-20

Amount: \$54,000.00

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.

CHANGE THE NAME OF LADD-PEEBLES STADIUM TO “LADD-PEEBLES SPORTS & ENTERTAINMENT COMPLEX”. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 46-485-2020

Sponsored by: Councilmembers Manzie and Williams

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that pursuant to Rule 584-X-1-.03(4)(b) of the Committee on Alabama Monument Protection, as authorized by Section 8 of Alabama Legislative Act 2017-354, the name of “Ladd-Peebles Stadium,” as adopted by 1998 City Council Resolution No. 46-332, is hereby modified and changed to: “Ladd-Peebles Sports & Entertainment Complex.”

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.

APPROVE RECOMMENDATION TO SELL EAST I-65 SERVICE ROAD NORTH PROPERTY. The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 60-486-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

WHEREAS, the City of Mobile owns property along East I-65 Service Rd. N. (the subject property), vacant land: Key number 710216, totaling 28 ± acres; and

WHEREAS, the City is not utilizing the property, with the current zoning being light industry (I-1); and

WHEREAS, the City would benefit from a sale of the 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 that the City receives an offer to purchase under favorable terms and conditions, the purchase

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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 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.

REQUEST MAYOR TO CONSIDER THE POSSIBILITY OF PROVIDING SUPPLEMENTAL BONUSES OR HAZARD PAY TO FRONT-LINE CITY EMPLOYEES ENGAGING IN DIRECT CONTACT WITH THE PUBLIC DURING COVID-19 PANDEMIC.
The following resolution, which was introduced and read at the regular meeting of June 30, 2020 and held over until the regular meeting of July 7, 2020, was called up by the Presiding Officer.

RESOLUTION: 60-487-2020

Sponsored by: Councilmembers Manzie & Rich

WHEREAS, the City of Mobile, the State of Alabama and the United States are in the midst of a pandemic, to-wit: a novel coronavirus, known as COVID-19, the extent, severity and duration of which" has yet to be determined; and,

WHEREAS, citizens of this city, state and county have been urged to stay at home, to separate, and to sanitize, in order to slow the progression of this pandemic and the danger to such citizens, including death; and,

WHEREAS, front-line City of Mobile employees such as police, firemen, and public works employees are vital and necessary to the continued functioning of the City and are unable to work from home and must interact directly with the public on a daily basis at risk to themselves and their families above and beyond that which is ordinarily required; and,

WHEREAS, the City Council believes that these front-line workers should receive hazard pay or compensation for their ongoing vital service to the City of Mobile.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mobile urges and requests that the Mayor consider the possibility and financial impact of providing either supplemental bonuses or hazard pay of time-and-a-half to front-line City of Mobile employees engaging in direct contact with and providing direct services to the public during and for the period this COVID-19 pandemic continues to affect the City of Mobile, and further urges and requests that the Mayor recommend and propose a resolution with appropriate budgeting provisions to the City Council in order to implement such measures.

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 CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME.

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Councilmember Small moved for the suspension of the rules to consider Consent Resolutions 03-489 – 60-496, 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/APPOINT LEEVONES G. FISHER, SABRINA MASS AND BRYAN FUENMAYOR TO THE HUMAN RELATIONS COMMISSION. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-489-2020

Sponsored by: Councilmembers Richardson, Small and Williams

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Leevones G. Fisher (D1) is (re-)appointed to the Human Relations Commission effectively immediately for a term ending February 8, 2022.

BE IT FURTHER RESOLVED that Sabrina Mass (D3) and Bryan Fuenmayor (D4) are appointed to the Human Relations Commission effective immediately for terms ending February 8, 2022.

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.

RE-APPOINT BARBARA DRUMMOND TO THE WATER AND SEWER BOARD OF COMMISSIONERS. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-490-2020

Sponsored by: Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Barbara Drummond is re-appointed to the Water and Sewer Board of Commissioners effective immediately for a term ending February 2, 2026.

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.

APPOINT DAMIAN MARKS TO THE POLICE CITIZENS COMMUNITY RELATIONS ADVISORY COUNCIL. The following resolution was introduced by Councilmember Daves.

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RESOLUTION: 03-491-2020

Sponsored by: Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Damian Marks is appointed to the Police Citizens Community Relations Advisory Council effective immediately for a term ending July 7, 2022.

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.

AUTHORIZE CONTRACT WITH JOHN G. WALTON CONSTRUCTION CO., INC. TO RECONSTRUCT INFRASTRUCTURE AND COMPLETE A ROUNDABOUT AT THE INTERSECTION OF BROAD ST. AND CANAL ST., \$2,094,407.17. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-492-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

WHEREAS, bids for HSIP Roundabout installation at Canal St and Broad St. for the City of Mobile were received and opened on June 3, 2020.

WHEREAS, the City Engineer has recommended award to the lowest bid specifications from John G. Walton Construction Company, Inc., in the amount of \$2,094,407.17.

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 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.
COM project name: HSIP Roundabout Installation at Canal Street and Broad Street
COM project number: 2019-3005-14
Amount: \$2,094,407.17

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.

MINUTES OF JULY 7, 2020

AUTHORIZE GRANT APPLICATION TO THE RESTORE ACT FOR IMPLEMENTATION OF MOBILE AREA STORM WATER MAPPING & RESILIENCY PLANNING (NO LOCAL MATCH). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 31-493-2020

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, WHEREAS, the Mayor and City Clerk, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile in order to accept and receive federal funds in the amount of \$3,000,000 from the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) for implementation of the Spill Impact Component (Bucket 3) project titled "State Expenditure Plan #15: Mobile Area Storm Water Mapping & Resiliency Planning" from the State of Alabama Department of Conservation and Natural Resources.

BE IT FURTHER RESOLVED that the Mayor or his designee be authorized to accept said grant and to sign any agreements or other documents in connection with the grant and to provide any information required by the Department of Treasury or State of Alabama Department of Conservation and Natural Resources or any other federal agency. The subaward agreement, 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 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.

APPROVE AWARD OF SPECIAL BONUS TO THE MARCH 2020 OFFICER OF THE MONTH AS PART OF THE MAYOR'S INCENTIVE PROGRAM, COLTON FUTRAL, \$500.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-494-2020

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:

Colton Futral

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 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.

MINUTES OF JULY 7, 2020

APPROVE AWARD OF SPECIAL BONUS TO THE APRIL 2020 OFFICER OF THE MONTH AS PART OF THE MAYOR’S INCENTIVE PROGRAM, DAVID REYES, \$500.00.
The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-495-2020

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:

David Reyes

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 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.

APPROVE AWARD OF SPECIAL BONUS TO THE MAY 2020 OFFICER OF THE MONTH AS PART OF THE MAYOR’S INCENTIVE PROGRAM, STEVEN GUIDRY, \$500.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-496-2020

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:

Steven Guidry

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 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.

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

MINUTES OF JULY 7, 2020

Councilmember Small moved for the suspension of the rules to consider CIP Resolutions 01-497 and 21-499, 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 AGREEMENT WITH THE UNIVERSITY OF SOUTH ALABAMA FOR OLD SHELL ROAD LIGHTING PROJECT. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 01-497-2020

Sponsored by: Councilmembers Rich & Gregory 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, the Agreement between the City of Mobile (“City”) and the University of South Alabama (“USA”) for USA to enhance the lighting on a portion of its real property on the campus of the University of South Alabama, by adding street lighting and other improvements (“Project”), and authorizing the City to contribute a total of \$50,000 towards the Project with \$25,000 from its District 6 2020 Capital Improvement Plan (“CIP”) funds and \$25,000 from its District 7 2020 Capital Improvement Plan (“CIP”) funds. A copy of said Agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Rich 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 MOTT MACDONALD ALABAMA, LLC FOR THREE MILE CREEK GREENWAY TRAIL (SEGMENT 6N) (CE&I), \$57,000.00. The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 21-498-2020

Sponsored by: 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: Mott MacDonald Alabama, LLC

Project name: Three Mile Creek Greenway Trail CE&I Contract for TAPAA-TA18 (923) Segment 6N (TAP Grant)

Estimated cost: \$57,000.00

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COM project no.: 2020-2045-04

AUTHORIZE CONTRACT WITH COAST PRO WASH CORP. FOR HOPE COMMUNITY CENTER-EXTERIOR TILE SURFACE RESTORATION, \$29,900.00. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 21-499-2020

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: Coast Pro Wash Corp.

Project name: Hope Community Center
Exterior Tile Surface Restoration

Project number: PR-058-20

Amount: \$29,900.00 (2020 CIP ID#2042)

The resolution was read by the City Clerk; whereupon Councilmember Rich 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.

RESOLUTIONS BEING INTRODUCED:

AUTHORIZE AGREEMENT WITH SEARCH, INC. FOR MOBILE RIVER NATIONAL REGISTER NOMINATION PROJECT, \$24,500.00. The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 01-500-2020

Sponsored by: 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, an Agreement with SEARCH, INC., in the amount of \$24,500.00, in support of developing the Mobile River National Register Nominations Project for the Twelve Mile Island Ship's Graveyard, CSS Huntsville, CSS Tuscaloosa and Clotilda, as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk

APPROVE PURCHASE ORDER TO IMAGETREND, LLC FOR ANNUAL RENEWAL OF SOFTWARE FOR THE FIRE DEPARTMENT, \$155,031.25. The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 08-501-2020

MINUTES OF JULY 7, 2020

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>11531</u>	2020	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF IMAGETREND ELITE RESCUE PATIENT MANAGEMENT SOFTWARE; ELITE VISUAL INFORMATICS; ELITE EMS CAD AND TELESTAFF; AND CONTINUUM CUSTOM SOFTWARE (GSA CONTRACT)	\$155,031.25	<u>(295732) IMAGETREND, INC.</u>

APPROVE PURCHASE ORDER TO AUTONATION FORD MOBILE FOR DUMP TRUCK, \$53,180.50. The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 08-502-2020

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>13508</u>	2020	(F7000) MOTOR POOL	ONE F450 TRUCK WITH KNAPHEIDE KDBDS1116A DUMP BODY WITH DROP SIDES (SEALED BID 5231)	\$53,180.50	<u>(270013) AUTONATION FORD MOBILE</u>

APPROVE ITEM BASED BID AWARD FOR ELKHART FIRE EQUIPMENT FOR FIRE EQUIPMENT. The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 08-503-2020

MINUTES OF JULY 7, 2020

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Award, to the designated vendors, for the indicated time period, and if renewable, renewable without further action by Council, for the specified item(s) at the unit prices indicated.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5430</u>	Elkhart Fire Equipment	2	Elkhart Standpipe Bag Kit: \$969.91; Elkhart 111A Increaser: \$68.35	One year, renewable for two additional one-year periods	North American Fire Equipment Co Inc.; <u>Municipal Emergency Services, Inc.</u>

AUTHORIZE CONTRACT WITH S. C. STAGNER CONTRACTING, INC. FOR LADD-PEEBLES STADIUM – STRUCTURAL REPAIRS PHASE 2, \$1,016,000.00. The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 21-504-2020

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: S.C. Stagner Contracting, Inc.

Project name: Ladd-Peebles Stadium - Structural Repairs Phase 2

Project number: PR-011-20

Amount: \$1,016,000.00

APPROVE RECOMMENDATION TO SELL A VACANT LANDLOCKED PARCEL OFF OF O'CONNOR STREET (DISTRICT 1). The following resolution was held over until the regular meeting of July 14, 2020.

RESOLUTION: 60-505-2020

Sponsored by: Councilmember Richardson and Mayor Stimpson

WHEREAS, the City of Mobile owns a vacant landlocked parcel located along O'Connor Street, Leslie Avenue, and Angel Street (the subject property); and

WHEREAS, the City is not utilizing the property; and

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WHEREAS, the City would benefit from a sale of the 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 that 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.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT 2359 DAUPHIN ISLAND PARKWAY (AREA BOUNDED BY DAUPHIN ISLAND PARKWAY, ROSEDALE ROAD AND RIFLES ROAD) FROM R-1 TO B-2 (DISTRICT 3). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 41-506-2020

Sponsored by: Councilmember Small

RESOLUTION DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING ON THE PROPOSED REZONING OF PROPERTY LOCATED AT 2359 DAUPHIN ISLAND PARKWAY IN MOBILE, ALABAMA

WHEREAS, the City of Mobile Planning Commission has recommended approving an application to rezone property located at 2359 Dauphin Island Parkway (area bounded by Dauphin Island Parkway, Rosedale Road and Rifles Road) from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

1. As required by section 64-9(B)(6) of the Mobile City Code, 1991, the Commission has furnished to Council a copy of its report, recommendation and supporting documents.
2. The Council has considered the information provided and finds it necessary and desirable to schedule the rezoning for a public hearing.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS;

1. That the date and time set for the public hearing shall be August 4, 2020, at 10:30 a.m. in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama;
2. That the City Clerk shall publish in full the proposed ordinance for one insertion and an additional insertion of a synopsis of the proposed ordinance one week after the first insertion in a newspaper of general circulation published within the municipality as required by Ala. Code §11-52-77.
3. That at the hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance.
4. That after the close of the public hearing, the Council may approve the proposed ordinance with or without conditions; deny the proposed ordinance; consider zoning classifications other than those sought by the applicant; and take any other action allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

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Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

FT OF LOT 7 ROSEDALE BEING 2ND SUBDIV OF OLD CLEVELAND H/S DBK 126/71 WHICH LIES S OF PRESENT R/W/L OF ROSEDALE RD & N OF R/W/L OF FULTON RD EXT & BEING MORE FARTIC DESC AS BEG AT IRON PIPE SD PIPE BEING PT OF INTERSECTION OF S R/W/L OF ROSEDALE RD & ELY R/W/L OF FULTON RD 120 FT WIDE TH N 85 DEG 31 MIN E 243.95 FT TO PT TH S 03 DEG 48 MIN W 138.55 FT TO PT TH N 63 DEG 0 MIN W 262.61 FT TO FOB NUMBERED AS 2359 DAUPHIN ISLAND PKWY #SEC 35 T5S RIW #MP32 04 35 0 005

The classification of said property is hereby changed from R-1, Single-Family Residential District to B-2, Neighborhood Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in an B-2, Neighborhood Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in an B-2, Neighborhood Business District, until all of the conditions set forth below have been complied with: 1) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

Councilmember Richardson then moved to call for the public hearing, which move was seconded by Councilmember Small 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 August 4, 2020.

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT 3154 COTTAGE HILL ROAD (NORTH SIDE OF COTTAGE HILL ROAD, 100' EAST OF WYOMING DRIVE WEST) FROM B-1 TO B-2 (DISTRICT 5). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 41-507-2020
Sponsored by: Councilmember Daves

RESOLUTION DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING ON THE PROPOSED REZONING OF PROPERTY LOCATED AT 3154 COTTAGE HILL ROAD IN MOBILE, ALABAMA

WHEREAS, the City of Mobile Planning Commission has recommended approving an application to rezone property located at 3154 Cottage Hill Road (north side of Cottage Hill Road, 100*+ east of Wyoming Drive West) from B-1, Buffer Business District, to B-2, Neighborhood Business District.

1. As required by section 64-9(B)(6) of the Mobile City Code, 1991, the Commission has furnished to Council a copy of its report, recommendation and supporting documents.
2. The Council has considered the information provided and finds it necessary and desirable to schedule the rezoning for a public hearing.

MINUTES OF JULY 7, 2020

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA AS FOLLOWS;

1. That the date and time set for the public hearing shall be August 4, 2020, at 10:30 a.m. in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama;
2. That the City Clerk shall publish in full the proposed ordinance for one insertion and an additional insertion of a synopsis of the proposed ordinance one week after the first insertion in a newspaper of general circulation published within the municipality as required by Ala. Code § 11-52-77.
3. That at the hearing, all persons who desire shall have an opportunity to be heard in opposition to or in favor of such ordinance.
4. That after the close of the public hearing, the Council may approve the proposed ordinance with or without conditions; deny the proposed ordinance; consider zoning classifications other than those sought by the applicant; and take any other action allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOBILE ON THE 16TH DAY OF MAY, 1967, SAID ORDINANCE BEING COMMONLY KNOWN AS THE ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE AS FOLLOWS:

Section One: That the Ordinance commonly known as the Zoning Ordinance and adopted on May 16, 1967, together with the Zoning Map of the City of Mobile, 1967, be, and the same hereby is changed and altered in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

Beginning at the Southernmost corner of Lot 22, West Gate Subdivision Extension No. 1, as recorded in Map Book 8, Page 129, Probate Court Records, Mobile County, Alabama, run North 49°-30'-31" East and along the Eastern line of said Lot 22, a distance of 97.36 feet to the Northeast corner of said Lot 22; thence South 40°-45'-05" East and along the Southwestern line of property conveyed by instrument no. 2018072248, said Probate Court Records, 235.03 feet to a point on the Northern right-of-way line of Cottage Hill Road (right-of-way varies); thence South 49°-14'-10" West and along said right-of-way line, 116.21 feet; thence North 40°-47'-35" West and along the Northeastern lines of Lot 32 and 33, said West Gate Subdivision Extension No. 1, a distance of 130.39 feet; thence North 30°-32'-09" West and along the Northeastern lines of Lot 30 and 31, said subdivision, 106.80 feet to the Point of Beginning of said property, being the same as property conveyed by instrument recorded in Real Property Book 7354, Page 421, Probate Court Records, Mobile County, Alabama.

The classification of said property is hereby changed from B-1, Buffer Business District to B-2, Neighborhood Business District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in an B-2, Neighborhood Business District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in an B-2, Neighborhood Business District, until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) full compliance with all municipal codes and ordinances.

Section Two: This Ordinance shall be in force and effect from and after its adoption and publication.

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Councilmember Richardson then moved to call for the public hearing, which move was seconded by Councilmember Small 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 August 4, 2020.

ANNOUNCEMENTS:

Councilmember Small reminded citizens to report blighted property and tall grass and weeds to Mobile 311.

Councilmember Gregory stated that drainage work in the Princeton Woods subdivision is nearing completion.

Councilmember Gregory provided an overview of re-surfacing projects in District 7.

Councilmember Rich announced the Public Services Committee will meet on Tuesday, July 21, 2020, 2:00 p.m. to receive updates from local utility companies and she will chair a meeting of the UDC ad hoc committee that will meet Tuesday, July 28, 2020, at 2:00 p.m. to discuss the proposed new planning codes. Councilmembers Gregory and Small will serve as members.

Councilmember Richardson thanked his colleagues for their support in adopting Ordinance 02-015.

Councilmember Williams moved to adjourn the meeting, which move was seconded by Councilmember Daves 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 regular meeting adjourned at approximately 12:40 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK