

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 16, 2020

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, June 16, 2020, at 9:00 a.m.

Present:

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

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

Adopted:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JUNE 16, 2020

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, June 16, 2020, at 10:30 a.m., in regular meeting.

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

Pastor David Edwards, Jr., Reconciling Lives to the Kingdom Church Ministries, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Councilmember Rich asked for a moment of silence in honor of her brother, Lee Casper.

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 9, 2020 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

None

PRESENTATION BY THE COUNCIL:

Councilmember Daves presented a proclamation declaring Friday, June 19, 2020, a "Juneteenth Day" to commemorate the end of slavery.

ADOPTION OF THE AGENDA:

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Councilmember Small 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

Nays: None

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

APPEALS:

The Council considered the request of Minister Tony Pope for a waiver of the Noise Ordinance on June 20, 2020, at Joe Bailey Park from 12:00-5:00 p.m. (District 5).

Councilmember Daves moved to grant the waiver, which motion 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 City Clerk, whereupon the Presiding Officer declared the waiver granted.

The Council considered the request of Minister Tony Pope for a waiver of the Noise Ordinance on June 20, 2020, from 12:00-5:00 p.m. at the corner of Halls Mill Road and McVay Drive (District 3).

Councilmember Daves moved to grant the waiver, which motion 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 City Clerk, whereupon the Presiding Officer declared the waiver granted.

The Council considered the request of Tony Pope for a waiver of the Noise Ordinance in Langan Park & Bienville Square on July 4, 11, 18 & 25, 2020, from 7:00 a.m. - 7:00 p.m. (District 7 & 2).

Councilmember Daves moved to grant the waiver for July 4, 2020, with the condition the applicant will acquire the proper permits and/or reservations, which motion was seconded by Councilmember Small. Following comments by Councilmembers Gregory, Rich and Williams the vote was as follows:

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

Nays: None

The vote was then announced by City Clerk, whereupon the Presiding Officer declared the waiver granted for July 4, 2020.

The Council considered the request of Carlos Richardson, 667 Donald Street, for a waiver of the Noise Ordinance on June 27, 2020, from 4:00 - 7:00 p.m. (District 1).

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

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

Nays: None

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

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PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

1. Velma Dale Jackson, 1552 Jay Drive, addressed Ordinance 02-015.
2. Leo Alexander, 6650 Cottage Hill Road, spoke in opposition to Ordinance 02-015.

NON-AGENDA ITEMS:

1. Justis Washington, 3800 Outley Drive, offered comments regarding Confederate monuments and police brutality.
2. James Williams, 2504 Convy Street, addressed the Council with his concerns about police conduct.
3. Antonio Moore, 6072 Highland Circle North, presented his suggestions for improvements and community safety.
4. Cedric Myles, 1312 Forest Cove Drive, shared his thoughts regarding the protests that took place downtown on May 31, 2020.
5. Keandre Davis, 5375 Timberline Ridge, commented on mental health, public safety and how "Success 4 the Future" could help the youth in Mobile.
6. Reggie Hill, 1007 Center Street, referred to a letter received from the City Council and restated previous questions.

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 council meeting of Tuesday, June 9, 2020, and held over until the regular meeting of June 23, 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 Homosapiens, and that these 7.5 billion Homosapiens 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

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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 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.

Councilmember Gregory moved to hold over the ordinance, until the regular meeting of June 23, 2020, 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 by the City Clerk, whereupon the Presiding Officer declared the ordinance held over.

CIP RESOLUTIONS HELD OVER

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR HOPE COMMUNITY CENTER-PLAYGROUND, \$78,800.00. The following resolution

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which was introduced and read at the regular meeting of June 9, 2020, and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-416-2020

Sponsored by: Councilmember Manzie

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: Aeiker Construction Corporation

Project Name: Hope Community Center – Playground

Project Number: PR-014-20

Amount: \$78,800.00 (2019 CIP#1090, D2)

The resolution was read by the City Clerk; whereupon Councilmember Daves 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 HELD OVER

AUTHORIZE AGREEMENT WITH CYBER INVESTIGATIONS & INTELLIGENCE AGENCY, LLC FOR CYBER SECURITY RISK ANALYSIS, \$76,440.00. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 01-417-2020

Sponsored by: Mayor Stimpson

WHEREAS it is in the best interests of the City of Mobile and serves a public purpose that the computer and internet platforms and networks of the City be safe and secure from cyber threat; and

WHEREAS the City of Mobile is in need of expert remote and onsite risk analysis, remediation guidance and advisory recommendations on cyber security; now therefore

BE IT RESOLVED by THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Agreement between the City of Mobile ("City") and Cyber Investigations and Intelligence Agency, LLC; for work as outlined in the contract attached hereto and made a part hereof as if 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 contracting party: Cyber Investigations and Intelligence Agency, LLC Amount of contract: Annual subscription \$76,440.00

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The resolution was read by the City Clerk; whereupon Councilmember Daves 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 LEASE AGREEMENT WITH DOG RIVER MARINA & BOAT WORKS FOR BOAT SLIP FOR FIRE DEPARTMENT MARINE VESSEL, \$5,057.00 PER YEAR. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 01-418-2020

Sponsored by: Councilmember Small 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, Lessee, the Lease Agreement by and between the City of Mobile and Dog River Marina & Boat Works, Inc. Lessor, for the property described in the Lease Agreement. A copy of said Lease Agreement is on file in the office of the City Clerk.

The resolution was read by the City Clerk; whereupon Councilmember Daves 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 SKIPPER CONSULTING, INC. FOR ST. JOSEPH STREET TWO-WAY CONVERSION PROJECT DESIGN, \$41,950.00. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-419-2020

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, 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: Skipper Consulting, Inc. City of Mobile

Project Name: St. Joseph Street Two-Way Conversion Project
2020-2060-05

Capital Project No.: C0497 Contract

Amount: \$41,950.00

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The resolution was read by the City Clerk; whereupon Councilmember Daves 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 COWLES, MURPHY, GLOVER & ASSOCIATES, INC., FOR ENGINEERING SERVICES-MAINTENANCE DREDGING OF THE CHANNEL AT MCNALLY PARK; \$106,375.00. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-420-2020

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 set forth in full, subject to the company signing the contract and furnishing the required bonds and insurance. A copy of said executed contract will be on file in the office of the City Clerk.

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

Project Name: McNally Park Maintenance Dredging, D3

COM Project No. 2020-3005-04

Estimated Cost: \$106,375.00

The resolution was read by the City Clerk; whereupon Councilmember Daves 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 DELTA FLOORING, INC. FOR HAROLD L. JOHNSON POLICE HEADQUARTERS ADMINISTRATIVE OFFICES-FLOORING & PAINTING, \$31,238.00. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 21-421-2020

Sponsored by: Councilmember Daves 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

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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: Delta Flooring, Inc.

Project Name: Harold L. Johnson Police Headquarters
Administrative Offices – Flooring & Painting

Project Number: PD-053-19

Amount: \$31,238.00

The resolution was read by the City Clerk; whereupon Councilmember Daves 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 SAFEWARE INC. FOR HAZMAT AND RADIATION DETECTION RESPONSE KITS, \$29,811.59. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-422-2020

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>12073</u>	2020	(1510) FIRE ADMINISTRTION	HAZMAT AND RADIATION DETECTION AND RESPONSE KITS AND SUPPLIES (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT))	\$29,811.59	<u>(274594) SAFEWARE INC</u>

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

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APPROVE PURCHASE ORDER TO PRODUCT VENDOR FOR ENCRYPTED DATA RECOVERY SOFTWARE ANNUAL LICENSE, \$18,000.00. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-423-2020

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>11786</u>	2020	(1545) POLICE CYBER DIVISION	ENCRYPTED DATA RECOVERY SOFTWARE - ANNUAL LICENSE RENEWAL (SOLE SOURCE)	\$18,000.00	<u>(295463) PRODUCT VENDOR</u>

The resolution was read by the City Clerk; whereupon Councilmember Daves 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 ITEM BASED BID WITH VARIOUS VENDORS FOR INDUSTRIAL AND SAFETY SUPPLIES. The following resolution, which was introduced and read at the regular meeting of June 9, 2020 and held over until the regular meeting of June 16, 2020, was called up by the Presiding Officer.

RESOLUTION: 08-424-2020

Sponsored by: Mayor Stimpson

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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>5416</u>	INDUSTRIAL AND SAFETY SUPPLIES	56	Various, see bid tab	Until 30 April 2021.	Evans and Company Inc Greer's Ace Hardware John M. Warren Inc. Mastermans LLP Ritz Safety LLC W W Grainger Inc

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

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

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

ORDINANCES BEING INTRODUCED

ORDINANCE TO ESTABLISH PROCEDURES AND POLICIES FOR THE VACATION OF CLOSURE OF ANY STREET, ALLEY, OR DEDICATED PUBLIC RIGHT OF WAY. The following ordinance was held over until the regular meeting of June 23, 2020.

ORDINANCE: 57-016-2020

Sponsored by: Councilmembers Richardson and Daves

AN ORDINANCE TO ESTABLISH PROCEDURES AND POLICIES FOR THE VACATION OR CLOSURE OF ANY STREET, ALLEY, OR DEDICATED PUBLIC WAY PURSUANT TO PETITION

WHEREAS, State law authorizes the City Council, as the governing body of the City of Mobile, to vacate or close, in whole or in part, streets, alleys, and dedicated public ways in accordance with certain mandated procedures and when such vacation is determined by the Council to be in the public interest; and,

WHEREAS, Section 11-49-6 of the Code of Alabama authorizes the Council, as the governing body of the City of Mobile, to require abutting landowners to pay a vacation of right-of-way fee as a condition to the Council's exercise of the power to vacate any street, alley, or dedicated public way; and,

WHEREAS, the decision to vacate or close any street, alley, or dedicated public way is committed to the legislative discretion of the Council; and

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WHEREAS, in the exercise of its legislative powers the Council desires to set forth in this Ordinance the policies and procedures to be followed for the vacation or closure of any street, alley, or dedicated public way pursuant to petition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that Section 57-17 of the Mobile City Code is hereby amended and restated so that it now reads in its entirety as follows:

SECTION 57-17. VACATION OR CLOSURE OF STREETS, ALLEYS AND PUBLIC WAYS BY PETITION.

SECTION ONE. PROCEDURES.

(A). FILING OF PETITION WITH CITY CLERK.

(1). Subject to the conditions and requirements of applicable State law and this Ordinance, the owner or owners of land abutting any street, alley, or dedicated public way, including unused rights-of-way, may petition the City Council to have the street, alley, or public way vacated, in whole or in part. These procedures apply equally to any request to have a street, alley, or dedicated public way closed to vehicular traffic but not vacated. The decision to vacate or close any street, alley, or dedicated public way is committed to the legislative discretion of the Council.

(2). Any person who desires to vacate a street, alley, or dedicated public way, open or unopen, or who desires to have a street, alley, or dedicated public way closed to vehicular and/or pedestrian traffic, shall submit to the City Clerk a written petition requesting that the street, alley, or public way be vacated or closed. The written petition must indicate whether the petitioner is seeking vacation or closure. The written petition must contain notarized signatures evidencing the consent of all of the following:

(a) the owner(s) of the land abutting the street, alley, or public way to be vacated or closed; and,

(b) if the petition requests the vacation or closure of an open, paved street, alley or public way, the owner(s) of any land contained within any platted subdivision in which the street, alley, or public way to be vacated or closed is located; and,

(c) if the petition requests the vacation or closure of an open, paved street, alley or public way, the owner(s) of any land within 300 feet of street, alley, or public way to be vacated or closed.

(3). When the written petition is submitted, the person(s) submitting the petition shall provide the following to the City Clerk with such petition:

(a). the correct legal description of the area sought to be vacated or closed;

(b). a plat or survey that clearly shows in detail:

(i) the area sought to be vacated or closed;

(ii) the location of all lots or tracts of land that abut the area sought to be vacated or closed;

(iii) the square footage of the area sought to be vacated or closed;

(iv) the square footage of each lot or tract of land that abuts the area sought to be vacated or closed.

(c). the current year assessed value, as determined by the Mobile County Revenue

Commissioner, of all lots or tracts of land that abut the easement or right-of-way sought to be vacated or closed.

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(d). If the petition requests vacation or closure of an open street or road to vehicular traffic, then a traffic impact study and report prepared by a transportation engineer in accordance with the recommendations of the Institute of Transportation Engineers must be submitted with the petition. The study must show that the proposed closure or vacation will not impede the orderly flow of traffic within 300 feet of the street, alley or public way to be vacated or closed, and, if applicable, the platted subdivision in which such street, alley or public way is located.

(e). An agreement signed by all persons requesting the vacation wherein they jointly and severally agree to indemnify and hold the City of Mobile, and its officials and employees, harmless of and from any costs, expenses, and attorney fees that may be incurred in connection with any litigation that may be brought by any person or entity challenging the decision to vacate or close the street, alley, or public right of way. Such indemnification and hold harmless agreement shall be in a form approved by the Clerk.

(f). Three (3) sets of printed adhesive labels containing the names and addresses of the owner(s) of any applicable land referred to in Section One, sub-sections (A).(2).(a), (A).(2).(b) and (A).(2).(c) of this ordinance.

(4). The person(s) submitting the petition shall pay a \$100.00 fee to the Clerk at the time that the petition is submitted.

(5). The person(s) submitting the petition, or their designee, shall be responsible for notifying in writing all utility companies (including but not limited to Mobile Area Water and Sewer System, Alabama Power, Spire, AT&T, and Comcast Cable), and any other person or company that has any easement or right-of-way that would be affected by the proposed vacation or closure, of the proposed request for vacation or closure. Such notification shall contain a request that the utility consent in writing to the vacation or closure, or submit written objection thereto. Such written responses from the utilities shall be provided to the City Clerk at the time that the written petition is submitted.

(6). A petition will not be considered to have been submitted until all of the requirements of this section have been met, unless otherwise permitted by the laws of the State of Alabama.

(B). REVIEW BY CITY DEPARTMENTS AND OFFICIALS.

(1). Following receipt of the written petition, the City Clerk will forward the documents to the Mayor, the city engineer, the city traffic engineer, the chief of police, the chief of the fire-rescue department, the city attorney, the council attorney, the real estate department, the right-of-way department, and the community and housing development department, for their review and comment. Written comments and objections from such persons or departments, if any, shall be sent to the City Clerk within thirty (30) days thereafter.

(2). Before the petition may move forward City Clerk must receive written communication from the Chief of Police stating that the closure or vacation is in the interest of public safety and from the Chief of the Fire Rescue Department stating that the vacation or closure is consistent with applicable fire codes and will not hinder the Fire Rescue Department in responding to fire or rescue situations. The statement of the Chief of Police must include the data upon which he bases his conclusions

(C). SCHEDULING OF PUBLIC HEARING.

(1). After comments and any objections from city officials, departments or utility companies have been received by the City Clerk, the person(s) submitting the petition shall provide the Clerk with a declaration of vacation in a form approved by the Clerk if the petition is for a vacation. Upon receipt of the declaration, or, in the case of a closure, after the City official/department commentary period expires, the Clerk will prepare a resolution to set a public hearing on said proposed vacation or closure to be presented to the City Council. The director of urban development and planning, the city engineer, and the city traffic engineer, or their respective designees, shall attend the public hearing in order to respond to any council inquiries on the issue. They shall also make known to the council either in

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person or by correspondence their comments and recommendations made in regard to the vacation or closure.

(2). The public hearing shall be scheduled within 100 days from the date that the written petition is completed and deemed submitted. Notice of the hearing shall be provided as set out in Section 36-25A-3 of the Code of Alabama for notice of meetings and shall describe the street, alley, or public way, or portion thereof, requested to be vacated or closed in the petition. A copy of the notice shall also be served by U.S. Mail at least 30 days prior to the scheduled hearing to any owner identified in section A.(2.) hereof and to any entity known to have facilities or equipment such as utility lines, both above-ground or buried, within the public right-of-way of the street or alley, or portion thereof, requested to be vacated or closed in the petition.

(3). In addition to the aforesaid notice provisions, two signs shall be conspicuously posted at the location of the street, alley, or public way, or portion thereof, requested to be vacated or closed in the petition. The signs shall be posted no less than 15 days before the day of the scheduled public hearing and shall remain so posted at all times until the hearing has been held. The signs shall be weatherproof and the petitioner shall be responsible for obtaining and posting such signs and providing photographic proof to the City Clerk that such signs were and remained posted as required herein. The wording on the signs shall not be less than two inches in height and shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

APPLICATION HAS BEEN MADE TO THE CITY OF MOBILE TO VACATE
OR CLOSE THE STREET OR PUBLIC WAY ABUTTING THIS PROPERTY.
FOR MORE INFORMATION CALL THE MOBILE CITY CLERK'S OFFICE
AT 251-208-7414.

(4). The person(s) who submitted the petition shall pay all costs of scheduling the public hearing and providing notice thereof, including the costs of advertisement, mailing, and posting the signs required by this section. The Clerk shall submit an invoice to the petitioner for such costs which must be paid prior to the scheduling of such hearing. Failure to pay such costs shall constitute a withdrawal of the petition unless the City Council grants a waiver of this requirement.

(D). CRITERIA AND CONDITIONS OF VACATION OR CLOSURE.

(1). The city council may consider in regard to any proposed vacation or closure the present and long-term effects on existing utilities, proposed utilities, master traffic plan, traffic patterns, traffic counts, reasonable and convenient ingress and egress, public services, and any other factor deemed relevant by the council.

(2). Any vacation or closure may be subject to reservation of easements and rights-of-way for utilities or conditioned upon easements or rights-of-way being given to the City, or other conditions, in the discretion of the city council.

(3). Any entities with utility lines, equipment or facilities in place shall continue to have the rights set forth in Code of Alabama § 23-4-20(f), as same now exists or may hereafter be amended.

(4). No vacation of any street, alley, or dedicated public way, and no closure of any street, alley, or public way to vehicular traffic, shall deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets, alleys, or dedicated public ways, then another street, alley, or dedicated public way affording such right must be dedicated as may be required by applicable State law.

(5). The City of Mobile reserves all of its rights and inherent and statutory police powers to re-open any street, alley or public way closed to vehicular or pedestrian traffic at any time. The City of Mobile further reserves its rights to close or vacate any street, alley or public way by its own action pursuant to its inherent and statutory police and other powers.

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(6). Partial vacations may be approved but are not favored. Partial vacations of any alley will not be allowed without the notarized written consent of all owners of property that abut the entire length of the alley.

(E). PAYMENT OF FEES.

(1). It shall be the policy of the City of Mobile to require abutting landowners who will benefit directly from the vacation of an easement or a public right-of-way for a road, street, alley, or other dedicated public way, open or unopen, to pay to the City a fee in accordance with section 11-49-6 of the Code of Alabama.

(2). The fee shall be equal to the fair market value of the land which will be added to the holdings of the abutting landowners who will directly benefit from the vacation, as determined in accordance with section 11-49-6.

(3). If the aggregate fee for all lots or tracts of abutting landowners who will directly benefit from the vacation, as determined in accordance with section 11-49-6, is less than \$5,000.00, then no fee shall be required.

(4). If the aggregate fee for all lots or tracts of abutting landowners who will directly benefit from the vacation, as determined in accordance with section 11-49-6, is equal to or greater than \$5,000.00, then the fee shall be finally determined and assessed by the City Council after a public hearing, notice of which shall be published and mailed in accordance with the requirements of section 11-49-6 of the Code of Alabama.

(5). The Council may, in its discretion, waive any fee as it determines to be justified or warranted under the circumstances presented.

(6). In the case of a closure of a street, alley or public way to vehicular or pedestrian traffic, but not a vacation, no fee shall be required.

(F). COMPLETION OF PROCESS.

Once all fee(s) and cost(s) have been paid, and any other conditions of the vacation or closure have been met, in the case of a vacation the person(s) who submitted the written petition will receive a certified copy of the Council's resolution to be filed by them together with the declaration of vacation in the Office of the Judge of Probate of Mobile County. In the case of a closure of a street, alley or public way to vehicular or pedestrian traffic by the Council, because the same is subject to being re-opened by the City, no resolution regarding same shall be recorded at Probate Court and any such recordation shall not confer any permanent property rights in any abutting landowner, or their heirs, successors and/or assigns.

SECTION TWO. SEVERABILITY.

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. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

ORDINANCE DEEMING PROPERTY AT 720 MUSEUM DRIVE NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING A LEASE BETWEEN CITY OF MOBILE AND ST. AUGUSTINE, LLC, FOR PARKING AREA. The following ordinance was held over until the regular meeting of June 23, 2020.

RESOLUTION: 87-017-2020

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Sponsored by: Councilmember Gregory and Mayor Stimpson

AN ORDINANCE DEEMING CERTAIN PROPERTY NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE GRANT OF A LEASE FOR PARKING USE

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the property hereinafter described in Exhibit "A", is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said property be Leased to St. Augustine, LLC.

See Exhibit "A" attached hereto

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

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

SECTION FOUR: Said Lease Agreement is by reference made a part of this ordinance as fully as if set forth herein and a copy of such will be on file in the office of the City Clerk and in the office of the Real Estate Department of the City of Mobile, 4th Floor, Government Plaza, 205 Government Street, Mobile, Alabama.

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

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

Councilmember Small moved for the suspension of the rules to consider Consent Resolutions 58-426 – 60-447 with the exception of 08-429, 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

DECLARE WEEDS NOXIOUS WEED LIEN GROUP 1604. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 58-426-2020

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

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

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such weeds, and the City Council being of the opinion that such report in all respects be confirmed:

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

Section 1. The amount set opposite each described parcel of real property contained in exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as Group #1603 shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby, made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or in front of the respective parcels of land is hereby in all respects confirmed.

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

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

ASSESS COST FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1603. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 58-427-2020

A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES.

WHEREAS, a survey has been made to determine the properties upon which or in front of which noxious or dangerous weeds are growing and the agents or employees of the City of Mobile have obtained the legal description of parcels of property in the City of Mobile upon which or in front of which such weeds are growing, and it has been determined to follow the provisions of Act No. 329 of the Legislature of the State of Alabama, approved on April 28, 1988, and to have caused such weeds to be cut or otherwise abated as public nuisances:

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as Group #1604 under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

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SECTION 2: The weeds growing on or in front of the above described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the 16th day of July, 2020, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

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

DETERMINE AN APPROPRIATION TO THE RIDGEFIELD PROPERTY OWNER'S ASSOCIATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$10,000.00.
The following resolution was introduced by Councilmember Williams.

RESOLUTION: 60-428-2020

Sponsored by: Councilmember Rich

RESOLUTION TO DETERMINE CERTAIN EXPENDITURES SERVE A PUBLIC PURPOSE AND APPROVE PAYMENT

WHEREAS, Councilmember Rich wishes to appropriate \$10,000.00 to Ridgefield Property Owner's Association from her discretionary funds; and

WHEREAS, Ridgefield Property Owner's Association is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Ridgefield Property Owner's Association will be used to update, improve landscaping and to install security cameras that are tied into the Mobile Police Department Project Shield program, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$10,000.00 to Ridgefield Property Owner's Association for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

APPROVE PURCHASE ORDER TO ATLANTIC VIDEO CORPORATION FOR MOBILE CART-MOUNTED VIDEO CONFERENCE SYSTEMS FOR REMOTE COURT TESTIMONY, \$31,045.50. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-429-2020

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>12447</u>	2020	(1530) POLICE ADMIN SERVICES	18 MOBILE CART-MOUNTED CONFERENCE SYSTEMS FOR REMOTE TESTIMONY (EXEMPT FROM ADVERTISED BIDS FOR COVID EMERGENCY)	\$31,045.50	<u>(018350)</u> <u>ATLANTIC VIDEO</u> <u>CORPORATION</u>

DETERMINE AN APPROPRIATION TO THE AFRICATOWN COMMUNITY DEVELOPMENT CORPORATION SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT, \$5,500.00. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 60-447-2020

Sponsored by: Councilmember Manzie

WHEREAS, Councilmember Manzie wishes to donate \$5,500.00 to the Africatown Community Development Corporation from his discretionary funds; and

WHEREAS, the Africatown Community Development Corporation is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that payment of certain expenses is proper if the City Council determines that the same serves a public purpose; and

WHEREAS, the Mobile City Council finds and determines that the Africatown Community Development Corporation will make efforts to eradicate blight in the Africatown community for the benefit of citizens of the City of Mobile and thus serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that a donation to the Africatown Community Development Corporation serves a public purpose and further approves and directs the payment of same.

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

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

Councilmember Small moved for the suspension of the rules to consider CIP Resolutions 13-430 through 21-433 being introduced for the first time, the motion was seconded by Councilmember Williams and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the item.

CIP RESOLUTIONS BEING INTRODUCED:

APPROVE CHANGE ORDER NO. 1 FOR BALTIMORE ST., STREET AND DRAINAGE REHABILITATION FROM ANN STREET TO I-65 SERVICE ROAD (DEDUCT \$90,660.05 FROM THE ORIGINAL CONTRACT PRICE). The following resolution was introduced by Councilmember Williams.

RESOLUTION: 13-430-2020

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, Change Order No. 1 to the contract, by and between the city of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

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

Project Name: Baltimore St., Street and Drainage Rehabilitation from Ann Street to I-10 Service Road

COM Project No. 2016-202-17
Change Order No. 1

Estimated Cost: \$90,660.05 (Deduct)

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

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AUTHORIZE CONTRACT WITH WATERMARK DESIGN, INC. FOR TRINITY GARDENS PARK-IMPROVEMENTS, \$44,200.00. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 21-431-2020

Sponsored by: Councilmember Richardson 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, Change Order No. 1 to the contract, by and between the city of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: Watermark Design, Inc.

Project Name: Trinity Gardens Park - Improvements

Project Number PR-038-20

Amount: \$40,200.00 (2020 CIP#2026, D1)

The resolution was read by the City Clerk; whereupon Councilmember Williams 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 KIMLEY-HORN AND ASSOCIATES, INC., FOR SAM STOTTS PARK – IMPROVEMENTS PHASE 2, \$46,250.00. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 21-432-2020

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, respectively, for and on behalf of the City of Mobile, Change Order No. 1 to the contract, by and between the city of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: Kimley-Horn and Associates, Inc.

Project Name: Sam Stotts Park – Improvements Phase 2

Project Number PR-044-20

Amount: \$46,250.00 (2020 CIP#2053, D4)

The resolution was read by the City Clerk; whereupon Councilmember Williams moved that the resolution be adopted, which was seconded by Councilmember Rich 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 WAS DESIGN, INC. FOR TRICENTENNIAL PARK – SPLASHPAD IMPROVEMENTS, \$21,500.00. The following resolution was introduced by Councilmember Williams.

RESOLUTION: 21-433-2020

Sponsored by: Councilmember Richardson 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, Change Order No. 1 to the contract, by and between the city of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: WAS Design, Inc.

Project Name: Tricentennial Park - Splashpad Improvements

Project Number PR-031-20

Amount: \$21,500.00 (2019 CIP#2006, D1)

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

RESOLUTIONS BEING INTRODUCED:

AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH MOBILE COUNTY COMMISSION FOR RESURFACING, RESTORATION, AND REHABILITATION OF SOLLIE ROAD FROM THREE NOTCH-KRONER ROAD NORTHWARD TO COTTAGE HILL ROAD. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 01-434-2020

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, and the Mayor, by and through his employees, agents and assigns, is authorized to take all actions necessary to administer, for and on the behalf of the City of Mobile, the Intergovernmental Agreement between the Mobile County Commission ("County") and the City of Mobile ("City"), for the County to undertake Project Number MCP-001-20, RA49-02-20, Resurfacing, Restoration, and Rehabilitation of Sollie Road from Three Notch-Kroner Road northward to Cottage Hill Road, including those portions that lie within the municipal limits of the City, using Rebuild Alabama Gas Tax

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funds at no cost to the City, a copy of which is attached hereto and made a part hereof as though set forth in full, and is on file in the office of the City Clerk.

APPROVE PURCHASE ORDER TO LOCUTION SYSTEMS INC. FOR ANNUAL SOFTWARE LICENSE & MAINTENANCE AGREEMENT – PRIME ALERT DISPATCH MAPPING SOFTWARE, \$25,006.00. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-435-2020

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>12574</u>	2020	(1510) FIRE ADMINISTRATION	ANNUAL SOFTWARE LICENSE AND MAINTENANCE AGREEMENT RENEWAL FOR PRIME ALERT DISPATCH MAPPING SOFTWARE (SOLE SOURCE RENEWAL OF MAINTENANCE FOR EXISTING PRODUCT)	\$25,006.00	<u>(287059) LOCUTION SYSTEMS INC</u>

APPROVE PURCHASE ORDER TO TOOMEY EQUIPMENT CO. INC. FOR TRACTOR FOR THE AZALEA CITY GOLF COURSE, \$60,032.00. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-436-2020

Sponsored by: Mayor Stimpson

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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>11173</u>	2020	(F6130) AZALEA CITY GOLF COURSE	KUBOTA M62 TRACTOR WITH BT1400 BACKHOE AND TL1800 LOADER (SEALED BID 5423)	\$60,032.00	<u>(205775) TOOMEY EQUIPMENT CO INC</u>

APPROVE PURCHASE ORDER TO NEC CORPORATION OF AMERICA FOR ANNUAL MAINTENANCE OF FINGERPRINT ID SYSTEM, \$17,264.00. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-437-2020

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>12631</u>	2020	(1530) POLICE ADMIN SERVICES	ANNUAL MAINTENANCE OF FINGERPRINT ID SYSTEM (SOLE SOURCE TO MAINTAIN SYSTEM AWARDED UNDER SEALED BID #5134)	\$17,264.00	<u>(276087) NEC CORPORATION OF AMERICA</u>

APPROVE PURCHASE ORDER TO EMERGENCY EQUIPMENT PROFESSIONAL INC. TO REPLACE PUMP IN FIRE PUMPER TRUCK, \$27,391.00. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-438-2020

Sponsored by: Mayor Stimpson

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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>11171</u>	2020	(2050) EQUIPMENT SERVICES	REPLACE PUMP IN 2006 EONE FIRE PUMPER TRUCK (SEALED BID 5425)	\$27,391.00	<u>(294963)</u> <u>EMERGENCY</u> <u>EQUIPMENT</u> <u>PROFESSIONAL</u> <u>INC</u>

APPROVE ITEM BASED BID FOR ELECTRICAL AND TRAFFIC SUPPLIES. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-439-2020

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>5424</u>	ELECTRICAL AND TRAFFIC SUPPLIES	20	Various, see bid tab	6 months, no renewal	Graybar Electric Co Inc, Sequel Electrical, Supply LLC, Stuart C Irby Co, and Southern Lighting and Traffic Systems

APPROVE PURCHASE ORDER TO CDW GOVERNMENT LLC FOR VIDEO RECORDING SERVER WITH ACCELERATOR STORAGE CARD, \$24,659.22. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 08-440-2020

Sponsored by: Mayor Stimpson

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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>11785</u>	2020	(1545) POLICE CYBER DIVISION	BCDVIDEO 32GB VIDEO RECORDING SERVER WITH 6TB ACCELERATOR STORAGE CARD (NATIONAL IPA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$24,659.22	<u>(272932) CDW GOVERNMENT LLC</u>

AUTHORIZE CONTRACT WITH DELL CONSULTING, LLC FOR SPANISH PLAZA – LIGHTING UPGRADES, \$15,500.00. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 21-441-2020

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: Dell Consulting, LLC

Project Name: Spanish Plaza – Lighting Upgrades

Project Number: PR-063-20

Amount: \$15,500.00

AUTHORIZE CONTRACT WITH JAMES H. ADAMS & SON CONSTRUCTION COMPANY, INC. FOR THE COTTAGE HILL ROAD CULVERT REPAIRS AT MILKHOUSE CREEK, \$245,344.00. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 21-442-2020

Sponsored by: Councilmember Rich and Mayor Stimpson

WHEREAS, bids for street and drainage improvements for district 6 was received and opened on May 13, 2020.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from James H. Adams & Son Construction Company, Inc., in the amount of \$245,344.00.

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WHEREAS, the city Council finds that the lowest responsible bid was submitted by James H. Adams & Son Construction Company, Inc.

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

Name of Company: James H. Adams & Son Construction Company, Inc.
Project Name: Cottage Hill Road Culvert Repairs for Milkhouse Creek
Project Number: 2018-3005-31
Amount: \$245,344.00

GRANT EASEMENT TO ALABAMA POWER COMPANY, TO REPLACE PRIMARY CONDUCTORS FROM CLAIBORNE WEST TO LAWRENCE AND NORTH TO ESLAVA ST., MOBILE CIVIC CENTER. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 25-443-2020

Sponsored by: Councilmember Manzie and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Mayor and 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 easement, to ALABAMA POWER COMPANY as set out in W.E. #A6553-9T-A120, a copy of which is attached hereto and made a part hereof as though fully set forth herein, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLARS, needed for ALABAMA POWER COMPANY to replace primary conductors from Claiborne West to Lawrence and North to Eslava St., Mobile Civic Center, as shown on the attached drawing.

AUTHORIZE A LEASE WITH THE DISTINGUISHED YOUNG WOMEN FOR THE QUIGLEY HOUSE, 751 GOVERNMENT ST. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 35-444-2020

Sponsored by: Councilmember Manzie 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, lessor, the Lease Agreement (Updated Lease - Original: June 30, 1981, Resolution # 35-439), by and between the City of Mobile and The Distinguished Young Women Foundation, a non-profit corporation, Lessee, for the property described and shown in Exhibit "A" to the Lease Agreement. A copy of said Lease Agreement is on file in the office of the City Clerk.

APPROVE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS-KENNETH GUYTON. The following resolution was held over until the regular meeting of June 23, 2020.

RESOLUTION: 60-445-2020

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

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and attest, respectively, for and on behalf of the City of Mobile, the Settlement Agreement and Release of Claims arising out of the injuries of Kenneth Guyton suffered on July 16, 2079, requiring the City to pay \$14,000.00, in return for a release of all of the Plaintiff's respective claims, as outlined in the Settlement Agreement and Release of Claims attached hereto and made a part hereof as though set forth in full. A copy of said Settlement Agreement and Release of Claims is on file in the office of the City Clerk.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO REZONE PROPERTY LOCATED AT 3945 AND 3949 GOVERNMENT BOULEVARD AND 1251 AZALEA ROAD (SOUTHEAST CORNER OF GOVERNMENT BOULEVARD AND AZALEA ROAD) FROM B-2 TO B-3 (DISTRICT 4)(SCHEDULED FOR JULY 14, 2020). The following resolution was introduced by Councilmember Williams.

RESOLUTION DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING ON THE PROPOSED REZONING OF PROPERTY LOCATED AT 3945 AND 3949 Government Boulevard and 1251 Azalea Road IN MOBILE, ALABAMA

The City of Mobile Planning Commission has recommended approving an application to rezone property located at 3945 and 3949 Government Boulevard and 1251 Azalea Road (Southeast corner of Government Boulevard and Azalea Road) from B-2, Neighborhood Business District to B-3, Community 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 July 14, 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.

Councilmember Williams then moved to call for the public hearing, which move 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 whereupon the Presiding Officer set the date for the public hearing as July 14, 2020.

NOTE: Councilmembers Williams and Daves excused themselves from the meeting at 12:05 p.m.

ANNOUNCEMENTS:

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Councilmember Richardson announced improvements will be made at Trinity Gardens and the splashpad at Tricentennial Park.

Councilmember Small announced road closures in District 3 located at Washington, Broad and Baltimore Streets due to road construction on Baltimore Street. This will start June 18 and continue for 3 weeks. The ground breaking ceremony is scheduled for June 18, at 11:30 a.m., at the intersection of Broad, Washington and Baltimore Streets.

Councilmember Small wished everyone a happy Father's Day.

Councilmember Gregory stated that Spire recently caused damage to streets behind St. Ignatius and will soon begin repairs.

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

Ayes: Richardson, Manzie, Small, Rich and Gregory

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 12:09 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK