

MUNICIPAL BUILDING, MOBILE, ALABAMA, SEPTEMBER 5, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, September 5, 2023, at 9:00 a.m.

Councilmembers:

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

Absent:

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

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, SEPTEMBER 5, 2023

The City Council of the City of Mobile, Alabama, met in the Multipurpose Room of the Mobile Government Plaza on Tuesday, September 5, 2023, at 10:30 a.m., for the regular meeting.

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

Bobby Morton, Public Safety Chaplain, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman: Small

Vice-Chairman: Gregory

Councilmembers: Penn, Carroll, Reynolds, Daves, and Woods

STATEMENT OF RULES BY PRESIDING OFFICER

The minutes from the meeting August 29, 2023 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Ricardo Woods, City Attorney, gave comments in lieu of Mayor Stimpson’s absence due to business.

Ricardo Woods read a proclamation declaring September 2023 as “Gynecology Cancer Awareness Month” in Mobile.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS

Request of Emily Naron for a waiver of the Noise Ordinance at 3404 Moffett Road, Suite 1 on November 3, 2023, from 6:00 p.m. – 9:00 p.m. (District 1).

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

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

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

Request of Shelby Wade for a waiver of the Noise Ordinance at Mardi Gras Park on November 23, 2023, from 6:00 a.m. – 11:00 a.m. (District 2).

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

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

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

Request of Gloria Sullivan for a waiver of the Noise Ordinance at 82 Burtonwood Drive on September 9, 2023, from 2:00 p.m. – 10:00 p.m. (District 7).

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

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

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

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED MODIFICATION OF A PLANNED UNIT DEVELOPMENT LOCATED AT 2609 CAMERON STREET (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to consider approval of a proposed modification of a planned unit development located at 2609 Cameron Street and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED MODIFICATION OF A PLANNED UNIT DEVELOPMENT AT 350, 400, 530, AND 660 DUNLAP DRIVE (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to consider approval of a proposed modification of a planned unit development at 350, 400, 530, and

660 Dunlap Drive and asked if there was anyone present to speak for or against this matter.

No one appeared.

The Presiding Officer declared the hearing concluded and that the necessary ordinance authorizing the proper action would be introduced later in the meeting.

PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2023-2024 GENERAL FUND, CAPITAL IMPROVEMENT FUND, AND CONVENTION CENTER FUND BUDGETS.

The Presiding Officer announced that today was the day for the public hearing to consider adoption of the 2023-2024 General Fund, Capital Improvement Fund, and Convention Center Fund Budgets and asked if there was anyone present to speak for or against this matter.

Timothy Hollis, 1926 Seale Street, gave comments regarding having more funding for Mobile Parks and Recreation Department Football league.

Reggie Hill, 1007 Center Street, offered comments about increased performance contracts and the privatization of garbage.

The Presiding Officer declared the hearing concluded and that the necessary resolution authorizing the proper action would be introduced at a future meeting.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

Dr. Fredo Collins Knight, provided information about a symposium for teens interested in the medical field on September 21, 2023 and a possible Mardi Gras Ball for teens on January 6, 2024.

Reggie Hill, 1007 Center Street, addressed unlawful surveillance, neighborhood preservation, citizen displacement, misuse of taxpayer resources, and disregard to citizens' requests.

Dr. Martin Catino, discussed the nature of Human Rights Campaign and the role of its liaisons, the implications for the citizens of Mobile, and City policy.

ORDINANCES HELD OVER

REZONE PROPERTY LOCATED AT 1408 SAINT STEPHENS ROAD AND 212 NORTH LAFAYETTE STREET FROM R-1 AND B-2 TO B-1. The following ordinance was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-040-2023

Sponsored by: Councilmember Penn

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNH'IED DEVELOPMENT CODE.

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

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

COMMENCING AT A MAGNETIC NAIL IN CAP AT THE NORTHEAST CORNER OF ST. STEPHENS ROAD AND LAFAYETTE STREET; THENCE SOUTH 55° 32' 40" EAST ALONG THE NORTH LINE OF ST. STEPHENS ROAD 135.34 FEET TO A REBAR; THENCE NORTH 02° 49' 56" EAST 220.49 FEET TO A CAPPED REBAR; THENCE NORTH 86° 23' 07" WEST 41.32 FEET TO A CAPPED REBAR; THENCE NORTH 86° 29' 54" WEST 68.15 FEET TO A REBAR ON THE EAST LINE OF LAFAYETTE STREET; THENCE SOUTH 05° 01' 39" WEST ALONG THE EAST LINE OF LAFAYETTE STREET 151.00 FEET TO THE POINT OF BEGINNING.

The classification of said property is hereby changed from R-1, Single-Family Residential District and B-2, Neighborhood Business District to B-1, Buffer Business District and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in B-1, Buffer 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 Unified Development Code of July 12, 2022.

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

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

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

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

REZONE PROPERTY LOCATED AT NORTH SIDE OF OLD SHELL ROAD, 340' +/- EAST OF COSGROVE DRIVE FROM R-1 TO B-1. The following ordinance was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-041-2023

Sponsored by: Councilmember Gregory

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE.

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

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

BEGINNING 525 FEET WEST OF THE NORTHEAST CORNER OF NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 2 WEST, RUN SOUTH 283 FEET, THEN NORTHEAST 127 FEET, THEN NORTH 267 FEET, THEN WEST 125 FEET TO BEGINNING.

The classification of said property is hereby changed from R-1, Single-Family Residential Suburban District to B-1, Buffer Business District Suburban and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in B-1, Buffer Business District Suburban,

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 Unified Development Code of July 12, 2022.

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

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

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

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

MODIFY A PLANNED UNIT DEVELOPMENT LOCATED AT 2970 MCVAY DRIVE NORTH AND 3030 MCVAY DRIVE NORTH. The following ordinance was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-042-2023

Sponsored by: Councilmember Small

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planned Unit Development (PUD) was approved on January 9, 2020 to allow multiple buildings on a single building site along with shared access between building sites on property located at 2970 McVay Drive North and 3030 McVay Drive North and described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, GRADY AUTOMOTIVE SUBDIVISION AS RECORDED IN MAP BOOK 123 PAGE 15, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTHWARDLY ALONG THE EAST LINE OF MCVAY DRIVE AND ALONG THE ARC OF A 2873.05 FOOT RADIUS CURVE TO THE RIGHT 359.01 FEET (CHORD BEARS SOUTH 22°-07'-29" EAST 358.78 FEET) TO THE P.T. THEREOF; THENCE SOUTH 18°-30'-18" EAST AND CONTINUING ALONG THE EAST LINE OF MCVAY DRIVE 303.84 FEET; THENCE NORTH 71°-25'-25" EAST 0.40 FEET; THENCE SOUTH 18°-35'-31" EAST 24.37 FEET; THENCE NORTH 71°- 29'-42" EAST 38.55 FEET; THENCE NORTH 18°-30'-18" WEST 101.83 FEET; THENCE NORTH 71°-30'-37" EAST 629.88 FEET; THENCE SOUTH 06°-21'-56" EAST 599.19 FEET TO THE P.C. OF A 7.50 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTWARDLY ALONG THE ARC OF SAID CURVE 8.01 FEET TO THE P.T. THEREOF; THENCE SOUTH 54°-51'-39" WEST 28.33 FEET TO THE P.C. OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTWARDLY, SOUTHWARDLY, AND SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE 144.07 FEET TO THE P.T. THEREOF (CHORD BEARS SOUTH 13°-5'-40" EAST 111.87 FEET); THENCE SOUTH 82°-42'-58" EAST 47.85 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, MCGOWIN NORTH SUBDIVISION, UNIT THREE AS RECORDED IN INSTRUMENT NO. 2019033376, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE NORTH 51°-08'- 43" EAST 52.97 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE NORTH 06°- 21'-56" WEST ALONG THE EAST LINE OF LOT1 A DISTANCE OF 651.66 FEET; THENCE NORTH 06°-18'-08" WEST 354.88 FEET TO A CORNER OF LOT 2, GRADY AUTOMOTIVE SUBDIVISION; THENCE SOUTH 85°-30'-13" WEST 152.27 FEET; THENCE NORTH 11°- 28'-22" WEST 370.52 FEET TO A CORNER OF LOT 2 ON THE WEST LINE OF MCMAE DRIVE; THENCE NORTHWARDLY ALONG SAID WEST LINE AND ALONG

THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT 45.19 FEET TO THE P.T. THEREOF; THENCE NORTH 04°-33'-58" WEST ALONG THE WEST LINE OF MCMAE DRIVE 102.75 FEET TO THE P.C. OF A 99.24 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWARDLY ALONG THE ARC OF SAID CURVE 51.9 8 FEET TO THE P.T. THEREOF; THENCE NORTH 34°-34'-26" WEST 9.60 FEET TO THE NORTHEAST CORNER OF LOT 2, GRADY AUTOMOTIVE SUBDIVISION; THENCE WESTWARDLY ALONG THE NORTH LINE OF LOT 2 AS FOLLOWS: THENCE SOUTH 66°- 49'-45" WEST 331.14, FEET; THENCE SOUTH 06°-35'-40" EAST 200.79 FEET; THENCE SOUTH 83°-22'-54" WEST 79.96 THENCE SOUTH 54°-47'-20" WEST 304.75 FEET TO THE POINT OF BEGINNING.

WHEREAS, the owners of said property applied for a Major Modification of the PUD on May 12, 2023 to shift the lot line and reconfigure parking.

WHEREAS, the Planning Commission held a public hearing on the requested modification on June 15, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Revision of the site plan to ensure that parking and access aisles on Lot A impacted by the property line relocation remain compliant with UDC requirements;
2. Revision of the site plan to label each lot with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
3. Retention of the right-of-way widths of McVay Drive North and McMae Drive as depicted on the site plan;
4. Retention of the 25-foot minimum building setback line along McVay Drive North;
5. Revision of the site plan to label the 25-foot minimum building setback line along McMae Drive;
6. Revision of the site plan to label the 10-foot slope easement along McMae Drive;
7. Placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
8. Placement of a note on the site plan stating that future proposed development on Lot A will require a Modified PUD;
9. Compliance with all Engineering comments noted in this staff report;
10. Compliance with all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report;
12. Compliance with all Fire Department comments noted in this staff report;
13. Submittal to and approval by Planning and Zoning of a revised Modified Planned Unit Development site plan (hard copy and pdf prior to signing the Final Plat for the associated subdivision; and,
14. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

Is consistent with all applicable requirements of Chapter 64;

Is compatible with the character of the surrounding neighborhood;

Will not impede the orderly development and improvement of surrounding property;

Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:

Is subject to adequate design standards to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;

Is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;

Will not be detrimental or endanger the public healthy safety or general welfare; and

That the proposed' modification is in the City's and the larger community's best interests.

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

Section One: That the modification of the PUD is hereby approved with the following required conditions:

1. Revision of the site plan to ensure that parking and access aisles on Lot A impacted by the property line relocation remain compliant with UDC requirements;
2. Revision of the site plan to label each lot with size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
3. Retention of the right-of-way widths of McVay Drive North and McMae Drive as depicted on the site plan;
4. Revision of the 25-foot minimum building setback line along McVay Drive North;
5. Revision of the site plan to label the 25-foot minimum building setback line along McMae Drive;
6. Revision of the site plan to label the 10-foot slope easement along McMae Drive;
7. Placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
8. Placement of a note on the site plan stating that future proposed development on Lot A will require a Modified PUD;
9. Compliance will all Engineering comments noted in this staff report;
10. Compliance with all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this report;
12. Compliance with all Fire Department comments noted in this staff report;
13. Submittal to and approval by Planning and Zoning of a revised Modified Planned Unit Development site plan (hard copy and pdf) prior to signing the Final Plat for the associated subdivision; and
14. 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 Daves moved to adopt the ordinance, which was seconded by Councilmember Reynolds and the vote was as follows:

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

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

REZONE PROPERTY LOCATED AT 3901 COTTAGE HILL ROAD FROM B-1 TO R-1.

The following ordinance was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

ORDINANCE: 64-043-2023

Sponsored by: Councilmember Reynolds

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE.

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

Section One: That the Ordinance commonly known as the Unified Development Code and adopted on July 12, 2022, together with the Zoning Map of the City of Mobile, be, and the same hereby is amended in respect to that certain property in the City of Mobile, State of Alabama, described as follows to-wit:

LOT A, NEW LIFE HOUSING SUBDIVISION AS RECORDED IN MAP BOOK 134, PAGE 29 PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA

The classification of said property is hereby changed from B-1, Buffer Business District, to R-1, Single-Family Residential Suburban District and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of July 12, 2022, commonly known as the Unified Development Code and to use said premises for any use permitted by the terms of said Ordinance in R-1, Single-Family Residential Suburban 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 Unified Development Code of July 12, 2022, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a R-1, Single-Family Residential Suburban 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 Daves moved to adopt the ordinance, which was seconded by Councilmember Reynolds and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, 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 AECOM TECHNICAL SERVICES, INC. FOR DISTRICT 6 TRAFFIC SIGNAL IMPROVEMENTS; \$76,199.00. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-958-2023

Sponsored by: Mayor Stimpson and Councilmember Woods

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: AECOM Technical Services, Inc

COM Project Name: District 6 Traffic Signal Improvements

Capital Project No.: CO727

Contract Amount: \$76,199.00

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH JUSTUS J. ADDISS IV, D/B/A J & A CONTRACTING, INC., FOR FOUNTAIN REPAIRS AT UNITY POINT PARK; \$44,000. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-959-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: JUSTUS J. ADDISS IV D/B/A J & A CONTRACTING

Project Name: UNITY POINT PARK – FOUNTAIN REPAIRS

Project Number: PR-032-23

Amount: \$44,000.00

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH AEIKER CONSTRUCTION CORPORATION FOR NEW SPLASHPAD AT BAUMHAUER-RANDLE PARK; \$371,175.00. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-960-2023

Sponsored by: Mayor Stimpson and Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a Contract, by and between the City of Mobile, and the company listed below, for work as outlined in the contract attached hereto and made a part hereof as 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: Baumhauer-Randle Park – New Splashpad

Project Number: PR-092-21

Amount: \$371,175.00

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory, following comments from Councilmember Small the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, 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 MATTHEW BROOKS FOR RACQUET STRINGER SERVICES FOR PARKS AND RECREATION DEPARTMENT; NTE \$70,000.00 PER YEAR. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 01-961-2023

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 Matthew Brooks to provide racquet stringer services for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$70,000 per year 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.

BE IT FURTHER RESOLVED that the City Council finds that this resolution is necessary to perform essential minimum functions of the Council.

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

TRANSFER FUNDS FROM CAPITAL IMPROVEMENT PROJECT ENGINEERING, ROW, AND TESTING TO CAPITAL PROJECT FOR MICHIGAN AVENUE CROSSING; \$44,265.04. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 0-962-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll and Small

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$44,265.04 be transferred from Capital Project #C0049 Engineering, ROW, and Testing in the Capital Improvements Fund (Fund 2000); to Capital Project #C0885 Michigan Avenue Crossing. These funds are consolidated in an effort to improve the Michigan Avenue railroad grade crossing.

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

APPROPRIATE FUNDS IN THE REBUILD ALABAMA SPECIAL REVENUE FUND FOR TIGER/DR. MLK, JR. AVENUE/BROAD ST. PROJECT; \$1,300,000.00. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 09-963-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$1,300,000.00 be appropriated in the Rebuild Alabama Special Revenue Fund (Fund 4055) for the following Capital Project.

New: TIGER/Dr. MLK Jr. Ave./Broad Street
\$1,300,000.00

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH SMITH, DUKES & BUCKALEW, LLP TO PERFORM AUDITING AND FINANCIAL REPORTING SERVICES FOR FISCAL YEARS 2023, 2024 AND 2025; AMOUNTS NTE \$220,000, \$230,000, AND \$241,000. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-964-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a Professional Services contract, by and between the City of Mobile and Smith Dukes & Buckalew, LLP, to perform auditing and financial reporting services for fiscal years 2023, 2024, and 2025, in amounts not to exceed \$220,000, \$230,000, and \$241,000 per year, respectively, with the option to renew without further approval required by the City Council, for fiscal years 2026 and 2027, in amounts not to exceed \$252,000 and \$263,000 per year, respectively, 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.

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH INTEGRITY MAINTENANCE, LLC FOR CRUISE TERMINAL PAINTING, \$30,500.00. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-965-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: INTEGRITY MAINTENANCE L.L.C.

Project Name: CITY OF MOBILE ALABAMA CRUISE TERMINAL
CLEANING AND PAINTING

Project Number: CT-064-23

Amount: \$30,500.00

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH CLEAR RISK US CORP FOR CLAIMS ADMIN SOFTWARE AND SERVICE; NTE \$150,000 FOR EACH 3-YEAR PERIOD. The following resolution which was introduced and read at the regular meeting of August 29,

2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-966-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized 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 Clear Risk US Corp., for claims administration software and services, for three years, renewable for another three-year period without further approval required by Council, in an amount as needed not to exceed \$150,000 for each three-year period, 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.

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

ACCEPT TEMPORARY CONSTRUCTION EASEMENTS FOR N. WASHINGTON AVENUE CULVERT AND STREET REPAIR PROJECT. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 25-968-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the City hereby accepts the following temporary construction easements for the 2023-3005-19 N Washington Avenue Culvert and Street Repairs:

1. Two Temporary Construction Easements, from Mobile Area Mardi Gras Association.
2. Temporary Construction Easement from The Waterfront Rescue Mission, Inc.
3. Temporary Construction Easement from Duong Quoc Thanh and Son Thanh Vo.
4. Temporary Construction Easement from Diann Rambert Johnson.

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

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, 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 RIVER YACHT BASIN MARIANA, LLC FOR BOAT SLIP FOR MOBILE FIRE AND RESCUE MARINE VESSEL. The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 35-970-2023

Sponsored by: Mayor Stimpson and Councilmember Small

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 Lease Agreement by and between the City of Mobile and River Yacht Basin Marina, LLC, Lessor, for the lease of a slip to berth the Mobile Fire and Rescue marine vessel as described in the Lease Agreement attached hereto and made a part hereof as though set forth in full. A copy of said Lease Agreement is on file in the office of the City Clerk.

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; WILLIAMS.

The following resolution which was introduced and read at the regular meeting of August 29, 2023, and held over until the regular meeting of September 5, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-971-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED by the City Council of the City of Mobile, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Vera Williams, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

ORDINANCES BEING INTRODUCED

CONSIDER APPROVAL OF A PROPOSED MODIFICATION OF A PLANNED UNIT DEVELOPMENT LOCATED AT 2609 CAMERON STREET. The following ordinance was held over until the regular meeting of September 12, 2023.

ORDINANCE: 64-044-2023

Sponsored by: Councilmember Penn

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

Notice of Public Hearing for the Proposed Modification of a Planned Unit Development

located at 2609 Cameron Street.

Pursuant to Resolution of the Mobile, Alabama City Council adopted September 6, 2022, a public hearing will be held on the 5th day of September, 2023, at 10:30 a.m., to consider adoption of an ordinance for the proposed modification of a Planned Unit Development located at 2609 Cameron Street.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider further modifications other than the ones sought by the applicant, and may take other actions allowed by the law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planned Unit Development (PUD) was approved on January 21, 2010 to allow multiple buildings on a single building site and allow off-site parking on a separate building site for the property located at 2609 Cameron Street and 22 Tacon Street and described as follows:

LOT A, EBM MIDTOWN SUBDIVISION, AS RECORDED IN MAP BOOK 123 PAGE 89, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA

AND

LOT 84, TACON PLACE, AS RECORDED IN DEED BOOK 116 PAGE 242, PROBATE RECORDS, MOBILE COUNTY, ALABAMA

WHEREAS, the owner of said property applied for a Major Modification of the PUD on June 22, 2023 to be consistent with the proposed subdivision.

WHEREAS, the Planning Commission held a public hearing on the requested modification on July 20, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Provision of a note on a recorded site plan stating future development or development of the site may require additional modification of the PUD to be approved by the Planning Commission and City Council;
2. Retention of at least the 10-foot minimum building setback line along Cameron Street and Alexander Street, as required by Section 64-2-13E of the Unified Development Code;
3. Revision of the site plan to illustrate the existing garage with carport addition;
4. Revision of the site plan to illustrate compliance with the conditions of approval for rezoning ordinance 64-044 (adopted June 18, 2002 by the Mobile City Council), or provision of a note on the recorded site plan stating the site must comply with the rezoning conditions;
5. Placement of a note on the recorded site plan stating the subdivision is denied direct access to Alexander Street;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report;
9. Compliance with all Fire Department comments noted in the staff report;
10. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in

- Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
11. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. The request is consistent with all applicable requirements of this Chapter;
- B. The request is compatible with the character of the surrounding neighborhood;
- C. The request will not impede the orderly development and improvement of surrounding property;
- D. The request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood.
 1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of building or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 2. Includes adequate public facilities and utilities; The request will minimize traffic hazards and traffic congestion on the public roads;
- E. The request will minimize traffic hazards and traffic congestion on the public roads;
- F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
- G. The request shall not be detrimental or endanger the public health, safety or general welfare; and
- H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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

Section One: That the Major Modification of the PUD is hereby approved with the following required conditions:

1. Provision of a note on a recorded site plan stating future development or development of the site may require additional modification of the PUD to be approved by the Planning Commission and City Council;
2. Retention of at least the 10-foot minimum building setback line along Cameron Street and Alexander Street, as required by Section 64-2-13E of the Unified Development Code;
3. Revision of the site plan to illustrate the existing garage with carport addition;
4. Revision of the site plan to illustrate compliance with the conditions or approval for rezoning ordinance 64-044 (adopted June 18, 2002 by the Mobile City Council), or provision of a note on the recorded site plan stating the site must comply with the rezoning conditions;
5. Placement of a note on the recorded site plan stating the subdivision is denied direct access to Alexander Street;
6. Compliance with all Engineering comments noted in the staff report;
7. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
8. Compliance with all Urban Forestry comments noted in the staff report;
9. Compliance with all Fire Department comments noted in the staff report;
10. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to

Planning and Zoning; and
11. 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.

CONSIDER APPROVAL OF A PROPOSED MODIFICATION OF A PLANNED UNIT DEVELOPMENT AT 350, 400, 530, AND 660 DUNLAP DRIVE. The following ordinance was held over until the regular meeting of September 12, 2023.

ORDINANCE: 64-045-2023

Sponsored by: Councilmember Carroll

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

Notice of Public Hearing for the Proposed Modification of a Planned Unit Development located at 350, 400, 530, and 660 Dunlap Drive

Pursuant to Resolution of the Mobile, Alabama City Council adopted September 6, 2022, a public hearing will be held on the 5th day of September, 2023, at 10:30 a.m., to consider adoption of an ordinance for the proposed modification of a Planned Unit Development located at 350, 400, 530, and 660 Dunlap Drive.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider further modifications other than the ones sought by the applicant, and may take other actions allowed by the law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Planned Unit Development (PUD) was approved on March 23, 2007 to allow multiple buildings on multiple parcels with shared parking and access located at 350, 400, 530, & 660 Dunlap Drive and described as follows:

Lots 1 and 3 as shown on the subdivision plat of Pinto Island Industrial Park recorded on March 30, 2023 as Instrument# 2023019114 in the public records of the Office of the Judge of Probate of Mobile County, Alabama.

WHEREAS, the owner of said property applied for a Major Modification of the PUD on June 16, 2023 to allow the construction of four (4) ship assembly bays for an existing shipyard in an 1-2, Heavy Industry District.

WHEREAS, the Planning Commission held a public hearing on the requested modification on July 20, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Full compliance with the UDC, including but not limited to the provision of adequate parking with required safety aisles, landscaping and tree plantings, surfacing and bicycle parking;
2. Obtaining of the required height variances from the Board of Zoning Adjustment;
3. Compliance with all Engineering comments noted in the staff report;
4. Placement of a note on the Final Plat stating the Traffic Engineering comments noted

- in the staff report;
5. Compliance with all Urban Forestry comments noted in the staff report;
 6. Compliance with all Fire Department comments noted in the staff report;
 7. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning; and,
 8. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. The request is consistent with all applicable requirements of this Chapter;
 - B. The request is compatible with the character of the surrounding neighborhood;
 - C. The request will not impede the orderly development and improvement of surrounding property;
 - D. The request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:
1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and
 2. Includes adequate public facilities and utilities; The request will minimize traffic hazards and traffic congestion on the public roads;
- E. The request will minimize traffic hazards and traffic congestion on the public roads;
 - F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;
 - G. The request shall not be detrimental or endanger the public health, safety or general welfare; and
 - H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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

Section One: That the Major Modification of the PUD is hereby approved with the following required conditions:

1. Full compliance with the UDC, including but not limited to the provision of adequate parking with required safety aisles, landscaping and tree plantings, surfacing and bicycle parking;
2. Obtaining of the required height variances from the Board of Zoning Adjustment;
3. Compliance with all Engineering comments noted in the staff report;
4. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
5. Compliance with all Urban Forestry comments noted in the staff report;
6. Compliance with all Fire Department comments noted in the staff report;
7. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning; and,
8. 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.

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

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 58-977 through 60-979 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

AUTHORIZE REMOVAL OF WEEDS, GROUP #1644. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-977-2023

A RESOLUTION DETERMINING WHAT OBJECTIONS SHALL BE ALLOWED AND WHAT OBJECTIONS SHALL BE OVERRULED TO THE REMOVAL OF NOXIOUS OR DANGEROUS WEEDS ON OR IN FRONT OF CERTAIN PARCELS OF LAND.

WHEREAS, notice has been duly given and posted at least five days prior to the date of this resolution in the manner provided by law offering full opportunity to all interested parties to object to the removal of noxious or dangerous weeds on the hereinafter described parcels of land, and the City Council of Mobile having held such public hearing in connection with the notices given and no objections having been filed or made by any of the interested parties; and

WHEREAS, Parcels Nos. 1 through 7 described in the resolution adopted on the 1st day of August 2023, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

SECTION 1. It is hereby ascertained and determined that the dangerous and noxious weeds growing on the hereinafter described parcels of real property are public nuisances, and it is hereby ordered and directed that the employees of the City of Mobile assigned to that work promptly remove the weeds on such parcels of property:

PARCELS OR PIECES OF PROPERTY ON WHICH NOXIOUS OR DANGEROUS WEEDS ARE TO BE REMOVED:

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 22, as described in the resolution adopted on the **1st day of August, 2023**, and entitled: "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."

(Lot Cleaning Liens, **Group No.1644** on file in the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, 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 DUMAS WESLEY COMMUNITY CENTER SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-978-2023

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **\$1,200.00** to Dumas Wesley Community Center, from his discretionary funds; and

WHEREAS, Dumas Wesley Community Center, 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 Dumas Wesley Community Center, will be used to assist 120 Years of Services of celebration, 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 **\$1,200.00** to Dumas Wesley Community Center, 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.

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Penn and the vote was as follows:

Ayes: Penn, Carroll, Small, Reynolds, Daves, Woods, 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 JOHN L. LEFLORE MAGNET HIGH SCHOOL SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-979-2023

Sponsored by: Councilmember Penn

WHEREAS, Councilmember Penn wishes to appropriate **\$2,200.00** to John L. LeFlore Magnet High School, from his discretionary funds; and

WHEREAS, John L. LeFlore Magnet High School, is public school in Mobile, Alabama, which the Council may support pursuant to Code of Alabama § 16-13-36; and

WHEREAS, the Attorney General of the State of Alabama has opined that the granting of public funds 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 John L. LeFlore Magnet High School will be used to assist with sponsoring the LeFlore Football Team, 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 **\$2,200.00** to John L. LeFlore Magnet High School 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.

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Penn and the vote was as follows:

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

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

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

Councilmember Gregory moved for the suspension of the rules to consider Consent Resolution 21-997 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

AUTHORIZE AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR U.S. HWY 45 STREETScape IMPROVEMENTS. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 01-980-2023

Sponsored by: Councilmember Penn

WHEREAS, the City intends to construct a Streetscape Improvement Project of approximately 0.78 miles on U.S. Hwy 45,

WHEREAS, the City intends to resurface, add curb and gutter, and upgrade sidewalks to become ADA compliant,

WHEREAS, U.S. Hwy 45 is an Alabama Department of Transportation (ALDOT) maintained road,

WHEREAS, work within the ALDOT right-of-way requires permitting from ALDOT,

WHEREAS, ALDOT requires the City to accept the maintenance of these upgrades.

NOW THEREFORE, 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 Grading/Landscaping Permit and a Cooperative Maintenance Agreement, by and between the City of Mobile and the Alabama Department of Transportation.

AUTHORIZE CRUISE TERMINAL AND BERTHING AGREEMENT WITH CARNIVAL CRUISE LINE. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 01-981-2023

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, the Cruise Terminal and Berthing Agreement between the City of Mobile and Carnival Cruise Line, attached hereto or one with wording substantially similar, and made apart hereof, as though set forth in full, and to take such further action necessary to effectuate the Agreement. A copy of said Cruise Terminal and Berthing Agreement is on file in the office of the City Clerk.

AUTHORIZE AGREEMENT WITH JOHNATHON AMES TO PROVIDE TENNIS LESSONS AND CLINICS FOR PARKS & RECREATION DEPARTMENT; NTE \$80,000.00 PER YEAR. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 01-982-2023

Sponsored by: Mayor Stimpson

This Professional Service Contract (sometimes hereinafter "Agreement") made and entered into this day of _____, _____ 2023, by and between THE CITY OF MOBILE, a Municipal Corporation of the State of Alabama (sometimes hereinafter "City") and JOHNATHON AMES (sometimes hereinafter Contractor)

WHEREAS, the Parties entered into that certain Professional Services Contract, dated as of April 19, 2022, for the purposes of professional tennis services (Original Agreement);

WHEREAS, the Parties desire to amend and restate the Original Agreement in its entirety; and

WHEREAS, Contractor is engaged in the business of teaching tennis lessons/clinics;

WHEREAS, City desires to engage this Contractor to provide said services upon the following terms and conditions;

NOW, THEREFORE, WITNESSETH:

City and Contractor, for and in consideration of the mutual covenants and agreements hereinafter set forth to be kept and performed by the other, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, do hereby covenant, and agree as follows:

I. PROFESSIONAL SERVICES TO BE PERFORMED

A. Contractor agrees that it will provide the services as described below and in the attached Exhibit A, Statement of Work. To the extent that the terms of Exhibit A are inconsistent with those in this Agreement, the terms contained this Agreement shall control.

B. The Director, Mobile Tennis Center, or his designated representative, shall provide specific tasking to the Contractor with respect to the series described in Exhibit A.

II. COMPENSATION

City hereby agrees to pay the Contractor for the work performed according to the fee schedule and payment terms attached in Exhibit A. The total amount of this contract should not exceed \$80,000 per year.

III. TERM OF AGREEMENT

The term of this Agreement shall commence upon its execution by the City of and shall continue for thirty-six months or three years.

IV. GENERAL PROVISIONS

A. Contractor agrees to permit the City access to, and as requested copies of, all books and records received and developed in connection with the contract work.

B. Notwithstanding any of the provisions of this Agreement, it is agreed that City has no financial interest in the business of Contractor and shall not be liable for any debts or obligations incurred by Contractor, nor shall City be deemed or construed to be a partner, joint ventures, or otherwise interested in the assets of Contractor, or in the sums earned or derived by Contractor, nor shall Contractor at any time or times use the name or credit of City in purchasing or attempting to purchase any car, equipment, supplies, or other thing or things whatsoever.

C. Contractor, in the performance of its operations and obligations hereunder, shall not be deemed to be an agent of City but shall be deemed to be an independent Contractor in every respect and shall take all steps at its own expense, as City may from time-to-time request, to indicate that it is an independent Contractor. City does not and will not assume any responsibility for the means by which or the manner in which the services by Contractor provided for herein are performed, but on the contrary, Contractor shall be wholly responsible, therefore.

D. Contractor acknowledges that its identity and peculiar capacity to provide the services described hereinabove constitute a material consideration for City's having entered into this Agreement. Therefore, Contractor shall not transfer or assign this Agreement or any of the rights or privileges granted herein without the prior written consent of City, which such consent shall be granted or derived solely at City's discretion. All designs, logos, artwork graphics, or creative content created for this contract are the property of the City and are subject to prior review and approval by the City before public dissemination or publication.

E. Contractor hereby agrees to comply strictly with all ordinances of the City of Mobile Alabama, and the laws of the State of Alabama and of the United States while performing its obligations under the terms of this Agreement.

F. Contractor shall comply with all Federal, State and local laws concerning nondiscrimination, including but not limited to City of Mobile Ordinance No. 14-034 which requires, inter alia, that all contractors performing work for the City of Mobile not discriminate on the basis of race, creed, color, national origin or disability, require that all subcontractors they engage do the same, and make every reasonable effort to assure that fifteen percent of the work performed under contract be awarded to socially and economically disadvantaged individuals and business entities.

G. Contractor agrees that upon the violation of any of the covenants and agreements herein contained, on account of any act or omission or commission of Contractor, City may, at its option, terminate and cancel this Agreement. Contractor further agrees that the City may terminate this Agreement without cause by providing written notice 30 days in advance of the date of termination.

H. In the event of any breach or apparent breach by Contractor of any of its obligations under the terms of this Agreement, and in the further event that City shall engage the services of any attorney to protect or to enforce its rights with respect to said breach or apparent breach, then and in those events. Contractor agrees to pay and to reimburse any and all reasonable attorneys' fees and expenses which City may incur with respect to City's

enforcement of this Agreement; regardless of whether said attorneys' fees and costs shall be incurred in connection with any litigation or in connection merely with advice and representation provided without litigation.

I. Contractor agrees to indemnify and hold the City, its elected officials, officers, agents, and employees whole and harmless from all costs, liabilities and claims for damages of any kind (including Interest and attorneys' fees) arising in any way out of the performance of this Agreement and/or the activities of Contractor, its principals, directors, agents, servants and employees in the performance of this Agreement, for which the City is alleged to be liable. In the event that the City, through no fault of its own, is made a party to any lawsuit or legal proceeding arising in any way from this contract or any activities conducted pursuant thereto, Contractor hereby agrees to pay all of City's costs of defense, including but not limited to all attorneys' fees, court costs, expert witness fees and other expenses, through trial and, if necessary, appeal. This section is not as to third parties or to anyone a waiver of any defense or immunity or statutory damages cap otherwise available to Contractor or City, and these defenses and matters may be raised in the City's behalf in any action or proceeding arising under this Agreement.

J. The City's representative for purposes of this Agreement is the Director, Mobile Tennis Center. All notices of cancellation, requests, demands or other communications shall be in writing and duly delivered to the following address for City at:

Director, Mobile Tennis Center
City of Mobile
851 Gaillard Drive
Mobile, Alabama 36608

Copy to: City Attorney
City of Mobile Legal Department
PO Box 1827
Mobile, Alabama 36633-1827

And to Contractor at:
Johnathon Ames
3962 Wimbledon Park
Mobile, AL 36608

L. Entire Agreement. This Agreement embodies the entire agreement and understanding of the parties hereto in respect of the transactions contemplated by this Agreement and supersedes all prior agreements, contracts, representations, warranties, promises, covenants, arrangements, communications, and understandings, oral or written, express or implied, between or among the parties with respect to the subject matter hereof, including, without limitation, the Original Agreement, which Original Agreement shall be deemed null and void, and of no further force or effect whatsoever following the date hereof.

L. Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing and signed by authorized representatives of the party against whom enforcement is sought.

M. The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the enforceability of the remainder of this Agreement unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire agreement with respect to any party.

N. This Agreement shall be governed by the laws of the State of Alabama, and the appropriate venue for any actions arising out of this Agreement would be Mobile, Alabama.

O. Contractor shall obtain, at its own expense, all necessary licenses, permits, insurance, authorization, and assurances necessary in order to abide by the terms of this Agreement.

P. The contractor agrees that it shall comply with all the requirements of the State of Alabama Immigration Law (Act No. 2011-535 as amended by Act No. 2012-491, Alabama Code (1975) Section 31-13.1, et, seq., see Section 31-13-9) and all provisions of said Law, including all penalties for violation thereof. By signing this contract, the contracting parties affirm, for the duration of the understandings that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien with the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting there from.

Q. By signing this contract, Contractor represents and agrees that it is not currently engaged in, nor will it engage in, any boycott of a person or entity based in or doing business with a jurisdiction with which the State of Alabama can enjoy open trade.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the day and year first written.

APPROVE PURCHASE ORDERS FOR FUEL FOR VARIOUS CITY DEPARTMENTS.
The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-983-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14462</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14463</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14464</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14465</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE UNLEADED FUEL (SEALED BID 5624)	\$22,100.64	(279229) PETROLEUM TRADERS CORPORATION
<u>14467</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION
<u>14468</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION

<u>14469</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION
<u>14471</u>	2023	(2050) FLEET MANAGEMENT GARAGE	GARAGE DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION
<u>14472</u>	2023	(2050) FLEET MANAGEMENT GARAGE	4 TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	\$25,425.00	(279229) PETROLEUM TRADERS CORPORATION

APPROVE PURCHASE ORDERS FOR FUEL FOR THE WAVE TRANSIT SYSTEM. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-984-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, purchase orders to the indicated vendors in the approximate amounts stated, and to approve the supporting bid awards, for the following requisitions as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14363</u>	2023	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$25,225.50	<u>(279229) PETROLEUM TRADERS CORPORATION</u>
<u>14364</u>	2023	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$24,849.00	<u>(279229) PETROLEUM TRADERS CORPORATION</u>
<u>14365</u>	2023	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$24,849.00	<u>(279229) PETROLEUM TRADERS CORPORATION</u>

APPROVE PURCHASE ORDER TO AUTONATION FORD MOBILE FOR 2 FORD F350 PICKUP TRUCKS; \$98,304.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-985-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14450</u>	2023	(1510) FIRE ADMINISTRATION	2 FORD F350 4X4 PICKUP TRUCKS (SEALED BID 5835)	\$98,304.00	<u>(270013)</u> <u>AUTONATION</u> <u>FORD MOBILE</u>

APPROVE PURCHASE ORDER TO MCKINNEY PETROLEUM EQUIPMENT TO REPLACE GARAGE GREASE-RROM TANKS, PUMPS AND DISPENSING EQUIPMENT; \$79,097.40. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-986-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>13743</u>	2023	(2050) FLEET MANAGEMENT-GARAGE	REPLACE GARAGE GREASE-ROOM TANKS, PUMPS, AND DISPENSING EQUIPMENT (SEALED BID 5821)	\$79,097.40	<u>(132500)</u> <u>MCKINNEY</u> <u>PETROLEUM</u> <u>EQUIPMENT</u>

APPROVE PURCHASE ORDER TO WASTEQUIP MANUFACTURING COMPANY, LLC FOR RECYCLE BIN COMPACTOR FOR DIP RECYCLING CENTER; \$17,608.24. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-987-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14303</u>	2023	(2590) GRANT MANAGEMENT	RECYCLE BIN COMPACTOR FOR DIP RECYCLING CENTER (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$17,608.24	<u>(294806) WASTEQUIP MANUFACTURING COMPANY LLC</u>

APPROVE PURCHASE ORDER TO EMERGENCY EQUIPMENT PROFESSIONAL, INC. FOR TETHERED CAMERA FOR MFRD; \$37,159.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-988-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11972</u>	2023	(1510) FIRE ADMINISTRATION	1 FOTOKITE SIGMA TETHERED CAMERA UAV FOR MFRD (HGAC COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$37,159.00	<u>(294963) EMERGENCY EQUIPMENT PROFESSIONAL INC</u>

APPROVE PURCHASE ORDER TO BEST PRICE SERVICES, LLC FOR STORM DITCH CLEARING; \$390,000.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-989-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14066</u>	2023	(2086F) FLOOD CONTOL	STORM DITCH CLEARING, COLLEGE LANE TO MOORE CREEK, DEMOTROPOLIS TO I65 (SEALED BID 5824)	\$390,000.00	<u>(292420) BEST PRICE SERVICES</u>

APPROVE PURCHASE ORDER TO TRUCK EQUIPMENT SALES, INC. FOR 5 FORD F450 CREW-CAB TRUCKS WITH LANDSCAPE BODIES AND 3 CONTRACTOR DUMP BODIES FOR PUBLIC SERVICES; \$371,008.58. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-990-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>8896, 14263</u>	2023	(F7000) MOTOR POOL	5 FORD F450CREW- CAB TRUCKS – 2 WITH LANDSCAPE BODIES FOR MPRD, 3 WITH CONTRACTOR DUMP BODIES FOR PUBLIC SERVICES MAINTENANCE (SEALED BID 5831)	\$371,860.00	<u>(208560) TRUCK EQUIPMENT SALES INC</u>

APPROVE PURCHASE ORDER TO VECTOR SOLUTIONS, INC. FOR ANNUAL RENEWAL OF LEARNING, PERFORMANCE, MANAGEMENT, AND APPARATUS CHECKLIST SOFTWARE FOR MFRD; \$67,008.58. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-991-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14406</u>	2023	(1510) FIRE ADMINISTRATION	ANNUAL RENEWAL OF LEARNING, PERFORMANCE MANAGEMENT, AND APPARATUS CHECKLIST SOFTWARE FOR MFRD (PROFESSIONAL SERVICE)	\$67,008.58	<u>(295501) VECTOR SOLUTIONS, INC</u>

APPROVE PURCHASE ORDER TO SMART SURROUND, LLC FOR FENCING FOR DIP RECYCLING DROP-OFF SITE; \$27,307.70. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 08-992-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>14616</u>	2023	(2590) GRANT MANAGEMENT	FENCING FOR DIP RECYCLING DROP OFF SITE (PRICE QUOTE BELOW BID REQUIREMENT)	\$27,307.70	<u>(298686) SMART SURROUND LLC</u>

TRANSFER FUNDS FROM THE GENERAL FUND TO THE CAPITAL PROJECT FUND #CO660 FOR INVASIVE SPECIES REMOVAL AT BROOKLEY BY THE BAY; \$22,500.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 09-993-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$22,500.00 be transferred from the General Fund (1000), (10042012-41030) to the Capital Project Fund (2000) Project #CO660 to be used for invasive species removal at Brookley by the Bay.

ALLOCATE FUNDS FROM UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO VARIOUS CAPITAL PROJECTS; \$5,830,000.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 09-994-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$5,830,000.00 be specifically allocated pursuant to Alabama Code Section 11

44C-57 from the Unassigned Fund Balance in the General Fund (Fund 1000) to the following Capital Projects in the Capital Improvements Fund (Fund 2000):

C0875 N. Washington Ave-St & Culvert Repairs \$5,700,000.00

C0721 US 45 Median Improvements 130,000.00

AUTHORIZE CHANGE ORDER #1 WITH MCELHENNEY CONSTRUCTION COMPANY, LLC FOR CONSTRUCTION OF THE THREE MILE CREEK GREENWAY TRAIL; \$1,904,166.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 13-995-2023

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 Change Order, by and between the City of Mobile and McElhenney Construction Company, LLC as outlined in the Change Order Number One (1), attached hereto and made a part hereof as though set forth in full, to increase their contract dated June 8, 2021 in total contract sum from \$1,405,086.40 to \$1,904,166.00. A copy of said Change Order and Justification is on file in the office of the City Clerk.

Name of Company: McElhenney Construction Company, LLC

Project Name: Three Mile Creek: Section 6 North

Project Number: No. 2022-2045-02

Amount: \$1,904,166.00

AUTHORIZE CHANGE ORDER #2 WITH WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. FOR COMPLETION OF THE STORM WATER MANUAL, VOLUME 1; \$310,149.85. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 13-996-2023

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 Change Order, by and between the City of Mobile and WSP USA Environment & Infrastructure, Inc. as outlined in the Change Order Number Two (2), attached hereto and made a part hereof as though set forth in full, to increase their contract dated June 8, 2021 in total contract sum from \$284,976.85 to \$310,149.85. A copy of said Change Order and Justification is on file in the office of the City Clerk.

Name of Company: WSP USA Environment & Infrastructure, Inc.

Project Name: Mobile Area Storm Water Mapping and Resiliency Planning

Project Number: No. 2020-2045-07

Amount: \$310,149.85

AUTHORIZE CONTRACT AMENDMENT WITH LAINE FEDERAL SOLUTIONS FOR YES PROGRAM; INCREASE NTE AMOUNT TO \$288,000.00. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-997-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and Laine Federal Solutions Incorporated in an amount not to exceed \$175,000 per year, for a one year period, and renewable without further Council approval for two additional years, for personnel staffing services for the Youth Empowered for Success intern program, attached hereto and made a part hereof as though set forth in full, and to approve the supporting bid award. A copy of said contract is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED THAT the City Council of the City of Mobile, Alabama, finds that this resolution is either necessary to respond to COVID-19 or necessary to perform essential minimum functions of the Council.

Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH SAIN ASSOCIATES, INC. FOR GOVERNMENT STREET AND ROYAL STREET TRAFFIC SIGNAL IMPROVEMENTS; \$30,000.00. The following resolution was held over until the regular meeting of September 12, 2023.

RESOLUTION: 21-998-2023

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: Sain Associates, Inc

COM Project Name: Government Street and Royal Street Traffic Signal Improvements

Capital Project No.: CO624

Contract Amount: \$30,000.00

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HOME-BASED DAY CARE IN AN R-1 PROPERTY LOCATED AT 611 SHANNON STREET (SCHEDULED FOR OCTOBER 10, 2023) (DISTRICT 5). The following ordinance was introduced by Councilmember Daves.

RESOLUTION: 41-999-2023

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the City Clerk be, and she hereby is, instructed to publish in a newspaper of general circulation within the municipality the attached notice stating the time and place a proposed

amendment to the Zoning Ordinance is to be considered by the City Council and further stating that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of the proposed amendment.

Notice of Public Hearing for the proposed approval of a Conditional Use Permit to allow a home-based day care for 7-12 children in an R-1, Single-Family Residential Suburban District, property located at 611 Shannon, Street

Pursuant to Resolution of the Mobile, Alabama City Council adopted September 5, 2023, a public hearing will be held on the 10th day of October, 2023, at 10:30 a.m., to consider adoption of an ordinance to approve a Conditional Use Permit to allow a home-based day care for 7-12 children in an R-1, Single-Family Residential Suburban District, property located at 611 Shannon Street.

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the City Council may consider zoning classifications other than the ones sought by the applicant, and may take other actions allowed by law.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF MOBILE ON THE 12TH DAY OF JULY, 2022, SAID ORDINANCE BEING COMMONLY KNOWN AS THE UNIFIED DEVELOPMENT CODE

WHEREAS, a Conditional Use Permit application was filed on June 20, 2023 to allow a home-based day care for 7-12 children in an R-1, Single-Family Residential Suburban District located at 611 Shannon Street and described as follows:

LOT 11, SHANNON HEIGHTS, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 3, PAGE 307 OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF MOBILE COUNTY, ALABAMA

WHEREAS, the Planning Commission held a public hearing on the requested Conditional Use Permit on August 17, 2023 and recommended approval of the Conditional Use Permit subject to the following conditions:

- 1) Submittal of a compliant legible site plan to Planning & Zoning staff;
- 2) Depiction of an outdoor play area enclosed by a four-foot (4') tall fence or wall;
- 3) Hours of operation are limited to Monday through Friday, 6 AM to 12 AM;
- 4) Any changes in the scope of operations (hours of operation, number of outside staff, etc.)
or to the site (parking layout, playground layout, etc.), will require a new Conditional Use Permit application and approval; and
- 5) Compliance with Engineering, Traffic Engineering, Urban Forestry and Fire Comments, as noted in the staff report, as well as permitting of any proposed or required improvements.

WHEREAS, the City Council finds that the Conditional Use Permit request:

- A. Is consistent with all applicable requirements of the Unified Development Code (UDC), including:
 - a. Any applicable development standards; and
 - b. Any applicable use regulations
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property; and
- D. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood or be more injurious to property or improvements in the neighborhood. In making this determination, the Planning Commission considered:
 - a. The location, type and height of buildings or structures;
 - b. The type and extent of landscaping and screening;

- c. Lighting;
- d. Hours of operation; and
- e. Other conditions that might require mitigation of the adverse impacts of the proposed development.

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

Section One: That the Conditional Use Permit is hereby approved with the following required conditions:

- 1) Submittal of a compliant legible site plan to Planning & Zoning staff;
- 2) Depiction of an outdoor play area enclosed by a four-foot (4') tall fence or wall;
- 3) Hours of operation are limited to Monday through Friday, 6 AM to 12 AM;
- 4) Any changes in the scope of operations (hours of operation, number of outside staff, etc.) or to the site (parking layout, playground layout, etc.) will require a new Conditional Use Permit application and approval; and
- 5) Compliance with Engineering, Traffic Engineering, Urban Forestry and Fire Comments, as noted in the staff report, as well as permitting of any proposed or required improvements.

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

Councilmember Daves then moved to call for the public hearing, which was seconded by Councilmember Gregory and the vote was as follows:

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as October 10, 2023.

ANNOUNCEMENTS

Councilmember Reynolds thanked Mobile Police Department's Marine Resources Department for the extra patrols on Dog River this past weekend.

Councilmember Reynolds encouraged citizens to reach out their state representatives to establish "No Wake Zones" in local waterways.

Councilmember Woods gave comments regarding the passing of resolution 21-958.

Councilmember Penn stated that District 1 community meetings will be starting back in October.

Councilmember Penn said that UMS Wright will be playing against John L. LeFlore High School this weekend.

Councilmember Gregory announced that a meeting for newly annexed areas will be held at Moffett Road Baptist Church on September 11, 2023, at 5:15 p.m.

Councilmember Small stated that he will be hosting a senior luncheon, along with Barbara Drummond, State Representative, at the GulfQuest Maritime Museum on September 7, 2023, at 11:30 a.m.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:23 a.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK

