

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 5, 2019

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, February 5, 2019, at 9:00 a.m.

Present:

Chairman: Manzie

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

Absent: None

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

Councilmember Richardson then moved to enter into executive session to discuss pending litigation and to convene the regular Council meeting at the close, which move was seconded by Councilmember Rich.

The City Clerk acknowledged that she is in receipt of a written declaration from the Council Attorney.

and the vote was as follows:

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

Nays: None

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

The Presiding Officer adjourned the meeting.

Approved: February 12, 2019

COUNCIL VICE PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, FEBRUARY 5, 2019

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, February 5, 2019, at 10:30 a.m., in regular meeting.

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

Father Elias Stevens, Annunciation Greek Orthodox Church, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

NOTE: Council Vice President Manzie asked everyone to remain standing for a moment of silence in memoriam of Aline Jenkins Howards, Mobile's first African-American Mardi Gras Queen and educator.

Present on Roll Call:

Chairman: Manzie

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

Absent: None

STATEMENT OF RULES BY PRESIDING OFFICER:

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

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APPROVAL OF MINUTES:

The minutes of the meeting of January 29, 2019 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

None.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS:

The Council considered the request of Walsh Arendall, Maids of Mirth, for a waiver of the Noise Ordinance at 911 Dauphin Street on February 23, 2019, from 8:30 p.m. until 12:00 a.m. (District 2).

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

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

Nays: None

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

The Council considered the request of Danielle McWhorter, J & M Displays (for Tyler Richardson, Mobile Mystics), for a waiver of the Noise Ordinance at 101 South Water Street on February 23, 2019, from 11:59 p.m. until 12:05 a.m. (District 2).

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

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

Nays: None

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

PUBLIC HEARINGS:

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 5727 DEERWOOD DRIVE NORTH IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 5727 Deerwood Drive North is a public nuisance and order it demolished 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 resolution authorizing the proper action would be introduced at a later date.

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PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 453 MARINE STREET IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 453 Marine Street is a public nuisance and order it demolished 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 resolution authorizing the proper action would be introduced at a later date.

PUBLIC HEARING TO DETERMINE IF THE STRUCTURE AT 2908 OLD SHELL ROAD IS A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1).

The Presiding Officer announced that today was the day for the public hearing to determine if the structure at 2908 Old Shell Road is a public nuisance and order it demolished and asked if there was anyone present to speak for or against this matter.

Attorney Phillip Leslie spoke on behalf of his client, Carlos Todd, Cleveland, Ohio.

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

Reggie Hill, 1007 Center Street, voiced his concerns related to Ordinance 14-005.

NON-AGENDA ITEMS:

1. Robert Clopton, 308 St. Louis Street, introduced himself to the Council as the new President of the Mobile Chapter of the NAACP.
2. Wesley Young, 3058 Jane Street, offered comments pertaining to the investigation report on working conditions in the Public Works department.

ORDINANCES HELD OVER:

REZONE PROPERTY AT 5560 TODD ACRES DRIVE (NORTH SIDE OF TODD ACRES DRIVE, 2/10 MILE ± WEST OF COMMERCE BOULEVARD WEST), FROM B-5 TO I-1 (DISTRICT 4). The following ordinance, which was introduced and read at the regular meeting of Tuesday, January 29, 2019 and held over for one (1) week until the regular meeting of February 5, 2019, was called up by the Presiding Officer.

ORDINANCE: 64-004-2019

Sponsored by: Councilmember Williams

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

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

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

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COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 WEST, MOBILE COUNTY, ALABAMA; THENCE SOUTH 89°31'38" WEST A DISTANCE OF 495 FEET TO THE POINT OF BEGINNING, SAID POINT MARKED BY AN OPEN TOP IRON PIPE; THENCE SOUTH 89°29'17" WEST A DISTANCE OF 164.94 FEET TO A POINT MARKED BY AN OPEN TOP IRON PIPE 00°47'00" EAST A DISTANCE OF 557.89 FEET TO A POINT ON THE NORTH MARGIN OF THE RIGHT OF WAY OF TODD ARCES DRIVE, SAID POINT MARKED BY AN OPEN TOP IRON PIPE; THENCE SOUTH 87°54'58" EAST ALONG SAID NORTH MARGIN A DISTANCE OF 165.45 FEET TO A POINT MARKED BY AN OPEN TOP IRON PIPE; THENCE DEPARTING SAID NORTH MARGIN, NORTH 00°48'49" WEST A DISTANCE OF 565.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 92720 SQUARE FEET (2.13 ACRES), MORE OR LESS

The classification of said property is hereby changed from B-5, Office Distribution District, to I-1, Light Industry District, and it shall hereafter be lawful to construct on such property any structures permitted by the Ordinance of May 16, 1967, commonly known as the Zoning Ordinance and to use said premises for any use permitted by the terms of said Ordinance in a I-1, Light Industry District, provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the building laws of the City of Mobile, and that any structure shall be approved by the Building Inspector of the City of Mobile, and that any such structure be erected only in compliance with such laws, including the requirements of said Zoning Ordinance of May 16, 1967, and further provided, however, that no lot or parcel of land herein above described shall be used for any use allowed in a I-1, Light Industry District, until all of the conditions set forth below have been complied with: 1) completion of the Subdivision process; and 2) full compliance with all municipal codes and ordinances

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

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

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

Nays: None

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

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, Lisa C. Lambert, City Clerk of Mobile, Alabama, hereby certify that Ordinance No. 64-004 Series 2019, was published in the Press-Register, a newspaper of general circulation in the City and County of Mobile, Alabama, on February 10, 2019

IN WITNESS WHEREOF, I have hereunto set my hand on this 11th day of February, 2019.



City Clerk

AMEND CHAPTER 14 OF ORDINANCES FOR THE CITY OF MOBILE ENTITLED "CONTRACTS" TO PROVIDE FOR FILING, DISCLOSURE AND OTHER REQUIREMENTS FOR CERTAIN CITY CONTRACTS. The following ordinance, which was introduced and read at the regular meeting of Tuesday, January 29, 2019 and held over for one (1) week until the regular meeting of February 5, 2019, was called up by the Presiding Officer.

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ORDINANCE: 14-005-2019

Sponsored by: Mayor Stimpson

AN ORDINANCE TO AMEND CHAPTER 14 OF ORDINANCES FOR THE CITY OF MOBILE, ALABAMA ENTITLED "CONTRACTS" TO PROVIDE FOR FILING, DISCLOSURE AND OTHER REQUIREMENTS FOR CERTAIN CITY CONTRACTS;

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

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

"Sec. 14-1 Findings

(a) The City of Mobile is an Alabama Class 2 municipality created pursuant to the Zoghby Act, Ala. Code §11-44C-1 et seq. and vested with a portion of the state's sovereign power to protect the public health, safety and welfare. Ala. Code §11-45-1.

(b) The government of the City of Mobile is known as a mayor-council form of government. Ala. Code §11-44C-11.

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

(d) The power to contract is shared by the City's purchasing agent, director of finance, mayor and council.

(e) The City of Mobile director of finance, subject to the direction and control of the mayor, has charge of the administration of the financial affairs of the City and examines all contracts, purchase orders and other documents and approves the same only upon ascertaining that money has been appropriated therefor and that an unexpended and unencumbered balance is available in such appropriation to meet the same, § 11-44C-66(5).

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

"Sec. 14-2 Disclosure and Other Requirements

(a) Definitions.

(i) As used in this chapter, the term "contract" means a written agreement for the purchase of goods or services; for the performance of a public work; or for funding an organization to serve a public purpose. The term does not include: purchases of or in connection with utilities, including but not limited to electricity, gas, and telecommunications; purchases of or in connection with necessities. Including but not limited to medical supplies, uniforms, computers, software license, copiers, equipment repairs, and business equipment. The term does not include deeds, contracts or bonds required in judicial proceedings, as set forth in Alabama Code §11-43-83.

(ii) The term "contract" does not include settlements, defined to include any payment made or received in order to adjust or compromise any litigation, claim, debt, account, dispute or demand, whether for or against the City. This term includes but is not limited to settlements of claims for workers' compensation, property damage, tax refunds or tax underpayments, drainage, property rights, or other similar claims.

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(iii) The term "contract" does not include appointment of non-merit employees appointed by the Mayor under § 11-44C-40 or the appointment or retention of legal counsel by the Mayor under § 11-44C-38(b).

(b) Disclosure Requirements. The Mayor shall report to the Council in writing the substance of all settlements made on behalf of the City within fourteen (14) calendar days after the date of such settlement's execution or approval by a court of competent jurisdiction (wherever necessary), whichever shall later occur, which involve the payment of or the receipt by any sum greater than \$50,000.00, or the waiver by the City of any claim in excess of said amount.

Sec. 14-3 Contract Procedures

(a) Execution. All contracts shall be in writing, serve a public purpose, and, be executed in the name of the City by the officers authorized by law. The Mayor shall have no authority to execute any contract that has not first been approved by the City Council, except for deeds and bonds required in judicial proceedings, or as may otherwise be authorized by this Chapter.

(b) Bid Awards.

(i) Bids for goods and services, as defined in the Competitive Bid Law, § 41-16-50, et seq., where the amount of the award is greater than \$15,000, shall either be awarded by Resolution or awarded when the Council approves a contract for the goods or services bid.

(ii) Bids for public works with a value of \$50,000 or more, will be approved at the time that the Council approves the contract. "

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

Sec. 14-4 Change Orders

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

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

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

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

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

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

Sec. 14-5 Leases

If a new lease or lease-purchase requires funding which will overlap into the subsequent budget year, Council approval will be required.

Sec. 14-6 Contracts Requiring Budget Amendments.

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All contracts requiring a budget amendment for funding must come before the Council in order to appropriate funds.

Sec. 14-7 Contract Implementing Major Programs

Contracts which implement major programs for the City should come before the Council for the purpose of full disclosure. This includes but is not limited to contracts which exceed Fifteen Thousand Dollars (\$15,000.00) for construction, consultants, training, lease purchases, privatized services, and other contracts for services.

Sec. 14-8 Contracts for Routine Purchases and Emergency Procurements

(a) For the purposes of this chapter, a contract shall be deemed for routine purchases if the total amount of the contract is less than fifteen thousand dollars (\$15,000.00). Pursuant to Ala. Code §11-44C-72, the purchasing agent may execute contracts for routine purchases so long as it is pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged; and no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual service for which the contract or order is to be issued.

(b) Emergency procurements: the purchasing agent may make or authorize others to make emergency procurements of goods or services, when there exists an emergency affecting public health, safety or convenience; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor as approved by the director of finance shall be included in the contract file. For procurements over \$15,000, as soon as practical, such emergency actions and the reason therefor shall be acknowledged by resolution by the City Council.

Sec. 14- 9 Nondiscrimination provisions to be included in municipal contracts

All municipal contracting agencies shall incorporate, either in the text or by reference, in every municipal contract for services and public works hereafter entered into the following provisions:

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

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

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

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

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

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

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

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

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

Section Two. This Ordinance repeals Section 2-66(e), 2-66(f), 2-66(g), 2-66(h), 2-66(1),-660), 2- 66(k). 2-66(1), and 2-66(m).

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

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

The ordinance was read by the City Clerk; whereupon Councilmember Richardson moved, that the ordinance be tabled, which was seconded by Councilmember Rich and the vote was as follows:

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

Nays: None

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

CONSENT RESOLUTIONS HELD OVER:

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A LOUNGE RETAIL LIQUOR CLASS II (PACKAGE STORE) LICENSE FOR B AND D PACKAGE STORE, 510 SOUTH BROAD STREET. The following resolution, which was introduced and read at the regular meeting of Tuesday, January 15, 2019 and held over for one (1) week until the regular meeting of January 22, 2019, held over until the regular meeting of January 29, 2019 and held over once more until the regular meeting of February 5, 2019, was called up by the Presiding Officer.

RESOLUTION: 37-046-2019

Sponsored by: Councilmember Manzie

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

Type of application: Lounge Retail Liquor Class II License

Submitted by: Bernard A. Wright, Jr.

Location: B and D Package Store
510 South Broad Street
Mobile, AL 36603

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

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

Nays: None

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

RESOLUTIONS HELD OVER:

GRANT EASEMENT TO ALABAMA POWER COMPANY FOR REMOVAL OF A REAR LOT PRIMARY FEED AND RELOCATION TO WESTWOOD STREET. The following resolution, which was introduced and read at the regular meeting of Tuesday, January 29, 2019 and held over for one (1) week until the regular meeting of February 5, 2019, was called up by the Presiding Officer.

RESOLUTION: 25-096-2019

Sponsored by: Councilmember Richardson and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Mayor and City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an easement to ALABAMA POWER COMPANY as set out in W.E. #A6553-9R-A119, a copy of which is attached hereto and made a part hereof as though fully set forth herein, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLARS, needed for Removal of a Rear Lot Line Primary Feed and Relocation to Westwood Street, as shown in yellow on attached drawing, allowing AL Power Co. access to the new primary line and provide for greater reliability and faster restoration in the event of an outage.

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

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

Nays: None

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

AUTHORIZE CONTRACT WITH MCCRORY & WILLIAMS, INC. FOR CONCEPTION STREET ROAD CULVERT REPLACEMENT (2018-3005-32; D2) AND MCNALLY PARK MAINTENANCE DREDGING (MATERIAL REMOVAL) (2018-3005-23; D3), \$30,000.00 (C0440). The following resolution, which was introduced and read at the regular meeting of Tuesday, January 29, 2019 and held over for one (1) week until the regular meeting of February 5, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-097-2019

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Sponsored by: Councilmembers Manzie and Small and Mayor Stimpson

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

Name of company: Chris Brewer Contracting, Inc.

Project name: Conception Street Road Culvert Replacement
(2018-3005-32) (D2) McNally Park Maintenance
Dredging (material removal) (2018-3005-23) (D3)

Estimated cost: \$222,863.93

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

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

Nays: None

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

AUTHORIZE A SETTLEMENT AGREEMENT IN THE CASE OF ELLIOTT V. GUTHANS, ET AL. The following resolution, which was introduced and read at the regular meeting of Tuesday, January 29, 2019 and held over for one (1) week until the regular meeting of February 5, 2019, was called up by the Presiding Officer.

RESOLUTION: 61-098-2019

Sponsored by: Mayor Stimpson

WHEREAS, Logan T. Elliott and Melanie S. Elliott (collectively the "Elliotts") are the owners of the following described property within the City of Mobile (the "Elliott Lot):

Lot 4 New Country Club Estates, Sixth Unit, as recorded in Map Book 6. Pages 227 and 228 of the records in the Office of the Judge of Probate, Mobile County, Alabama.

WHEREAS, William S. Bittner, Jr. and Cynthia B. Funderburk (collectively the ("Bittners") are the owners of the following described property within the City of Mobile (the "Bittner Lot"):

Lot 24 and Fractional Lot 9 in Block 13 of re-survey of Block 13, Second Unit Wimbledon and Block 14 First Unit Wimbledon, according to the map recorded in Map Book 3, pages 593-4 of the records in the Office of the Judge of Probate of Mobile County, Alabama. Said fractional Lot 9 being that portion of Lot 9, Block 13 of the Second Unit of Wimbledon as recorded in Map Book 2, page 18 of said records, which lies East of the Western boundary line of the property described in the mortgage to the First National Bank of Mobile by the Country Club, recorded in Mortgage Book 132, page 630, of aforesaid records.

WHEREAS, Barbara Ann T. Guthans is the owner of the following described property within the City of Mobile (the "Guthans Lot"):

Beginning at the northeast corner of Lot 23, block 13, according to the survey of Wimbledon as recorded in Map Book 2. Pages 18-19, in the Office of the Judge of

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Probate of Mobile County, Alabama, thence in a southwestwardly direction along the west margin of Kings Way a distance of 100 feet to the southeast corner of said Lot 23, thence with an interior angle of 88 degrees 10 minutes run westwardly a distance of 319.1 feet to a concrete marker on the edge of a gully, thence with an interior angle of 84 degrees 54 minutes run northeastwardly for a distance of 91.2 feet to a concrete marker, thence with an interior angle of 96 degrees 56 minutes run eastwardly a distance of 58 feet to a concrete marker at the northwest corner of said Lot 23, and thence eastwardly along the north line of said Lot 23 for a distance of 250 feet to the Point of Beginning,

WHEREAS, the public street on which the Bittner Lot and the Guthans Lot front and to which the east end of the Path (defined below) abuts and connects is identified on the above referenced subdivision plats as "Kings Way" which public street is now commonly known and sometimes referred to as "Kingsway" and which is shown on the ad valorem tax maps of the Mobile County Revenue Commissioner as "Kingsway Avenue" and any references in In this Counterclaim and Crossclaim for Vacation of Path to "Kings Way" or "Kingsway" or "Kingsway Avenue" refers to one and the same public street.

WHEREAS, the ten foot (10') wide path in dispute is located in the City of Mobile (hereinafter referred to as the "Path"), which Path, though referred to as an "alley" rather than a "path" in the following description, is otherwise accurately described as follows:

THE 10 FOOT ALLEY BETWEEN LOTS 9, 23, 23A AND 24, RESUBDIVISION OF BLOCK 13, WIMBLEDON, UNIT 2 AS RECORDED IN MAP BOOK 3, PAGE 593, IN THE OFFICE OF THE JUDGE OF PROBATE COURT, MOBILE COUNTY, ALABAMA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 24. RESUBDIVISION OF BLOCK 13, WIMBLEDON, UNIT 2, AS RECORDED IN MAP BOOK 3, PAGE 593, IN THE OFFICE OF THE JUDGE OF PROBATE COURT, MOBILE COUNTY, ALABAMA; THENCE RUN S 17°18'55"W, ALONG THE WEST LINE OF KINGSWAY AVENUE, 9.95 FEET TO A POINT; THENCE RUN N72°2'39"W, ALONG THE NORTH LINE OF SAID LOT 23 AND 23A 279.73 FEET TO A POINT; THENCE RUN N03°37'08"E, 10.41 FEET TO A POINT; THENCE RUN S72°19'56"E ALONG THE SOUTH LINE OF SAID LOTS 9 AND 24, 282.94 FEET TO THE POINT OF BEGINNING,

Which Path is accurately depicted on Exhibit A attached hereto.

WHEREAS, in dispute is a Declaration of Vacation dated December 5, 1959, signed by the Bittners' parents as predecessors in title to the Bittner Lot, and by Page 2 of 5 John W. Rollins. Jr. and Jean S. Rollins, as predecessors in title to the Guthans Lot, along with the City of Mobile's December 8, 1959 resolution assenting to the vacation of the Path, which was recorded on January 29, 2018 at Book LR7598, Page 1159 (the "1959 Declaration").

WHEREAS, a civil action initiated by the Elliotts in the Circuit Court of Mobile County, Alabama on February 27, 2018, styled Logan T. Elliott, et al. v. Barbara Ann T. Guthans, et al, Case No. CV2018-900529 (hereinafter referred to as the "Lawsuit"), the Elliotts allege that the December 8, 1959 Resolution of the Board of Commissioners of the CITY OF MOBILE assenting to the Declaration of Vacation was invalid under Alabama law inasmuch as the Elliotts' predecessor in title did not join in said Declaration of Vacation.

WHEREAS, the Elliott lot fronts on Clarise Circle, a dedicated paved public street which provides convenient access to the Elliott lot, and the Bittner lot and the Guthans lot front on Kingsway, a dedicated paved public street, which provides convenient access to the Bittner lot and the Guthans lot such that the vacation of the Path will not deprive the Elliott lot, the Bittner lot or the Guthans lot of convenient access by paved dedicated public street.

WHEREAS, the City of Mobile has no plans to extend the Path to connect Kingsway with any other public ways or to any amenities or bodies of water and, in any event, the Path is too narrow for a public street and the west end of the Path is a dead end terminus at the Elliott lot and does not connect to another public way. As a consequence, the owners of other lots in the subdivisions in which the Bittner lot, the Guthans lot and the

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Elliott lot are located cannot make use the of the Path as a means of access to such other lots, to other public ways, to bodies of water or to other public amenities. Accordingly, the Path serves no public purpose, and it is not in the best interest of the public to preserve and maintain the Path as a public way; therefore, under these circumstances, the interest in the Path of the owners of other lots in such subdivisions is too remote to require the consent of such other lot owners to the vacation by the Court of the Path by order pursuant to Ala. Code §35-2-58, et seq (1975).

WHEREAS, the Elliott lot abuts the western terminus of the Path, the Bittner lot abuts the entire length of the north line of the Path and the Guthans lot abuts the entire length of the south line of the Path with the west right of way line of Kingsway abutting the entire width of the eastern terminus of the Path.

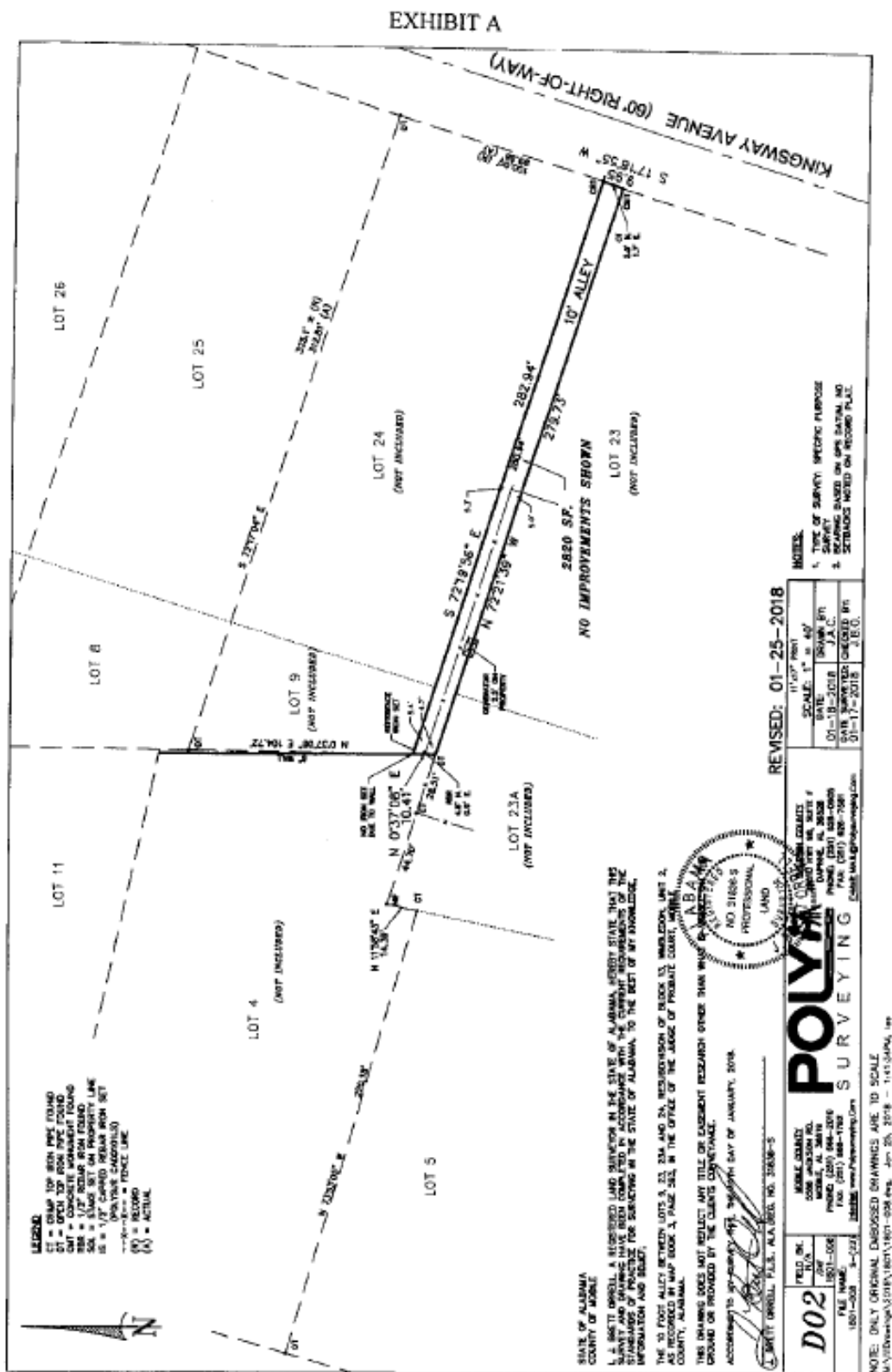
WHEREAS, the Court has before it all parties to the dispute, which consists of the owners of all property abutting the Path, and the City of Mobile, all of which are necessary parties to the vacation of the Path.

WHEREAS, the Elliotts, the Bittners, the Guthans, and the City of Mobile have reached a compromise and settlement of the lawsuit and all claims presented therein as outlined in the attached Release and Settlement Agreement.

NOW, THEREFORE, be it RESOLVED by the CITY COUNCIL OF THE CITY OF MOBILE, as follows:

1. That, having read and reviewed the attached Release and Settlement Agreement, the Council does hereby approve of the compromise settlement of the lawsuit on the terms recited in the Release and Settlement Agreement;
2. The Council does hereby consent to the vacation of the aforescribed Path pursuant to and In accordance with sections 35-2-58 and 36-2-59 of the Code of Alabama; and,
3. The Council does hereby authorize the Mayor to execute the Release and Settlement Agreement for and on behalf of the City of Mobile.

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

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

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

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

Councilmember Richardson moved for the suspension of the rules to consider Consent Resolutions 03-100 – 60-111 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

RE-APPOINT JEREMY MILLING TO THE BOARD OF ADJUSTMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 03-100-2019

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Jeremy Milling is re-appointed to the Board of Adjustment effective immediately for a term ending February 7, 2022.

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

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

Nays: None

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

APPOINT JEFFERSON SINCLAIR TO THE MOBILE LIBRARY BOARD. The following resolution was introduced by Councilmember Small.

RESOLUTION: 03-122-2019

Sponsored by: Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Jefferson Sinclair is appointed to the Mobile Library Board effective immediately for a term ending August 30, 2022.

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

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

Nays: None

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

APPROVE PURCHASE ORDERS FOR THE WEEK OF JANUARY 28, 2019, \$384,000.78. The following resolution was introduced by Councilmember Small.

RESOLUTION: 08-113-2019

Sponsored by: Mayor Stimpson

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BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, 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
6033	2019	(F6060) WAVE TRANSIT SYSTEM	DIESEL FUEL FOR WAVE TRANSIT (AL STATE CONTRACT)	\$15,855.00	(279229) PETROLEUM TRADERS CORPORATION
5574	2019	(F7000) MOTOR POOL	2 2019 POLICE PACKAGE TAHOE SUVS (AL STATE CONTRACT)	\$74,499.86	(293039) DONOHOO CHEVROLET
5146	2019	(1545) POLICE CYBER DIVISION	ANNUAL CLOUD VIDEO STORAGE FOR TCI/CIU (SOLE SOURCE RENEWAL)	\$8,004.00	(294102) PROTECVIDEO LLC
5135	2019	(1545) POLICE CYBER DIVISION	GRAPHICAL MAPPING & EVIDENCE CORROB SOFTWARE FOR GCTC/CIU (SOLE SOURCE – RENEWAL)	\$14,700.00	(294271) GLADIATOR FORENSICS LLC
5067	2019	(F7000) MOTOR POOL	2019 10 CYD MAMBA AUTOMATED SIDE LOADER W/HINO CHASSIS GARBAGE TRUCK (SOURCEWELL COOPERATIVE PURCH AGREEMENT)	\$179,979.00	(293343) CHEVROLET OF WATSONVILLE NATIONAL AUTO FLEET GROUP
4171	2019	(F7000) MOTOR POOL	2019 CHEVROLET TAHOE MPD CHIEF (SEALED BID)	\$55,009.70	(210000) U J CHEVROLET CO INC
4717	2019	(1030) CITY CLERK	165 CASES CHOC MOON PIES, 165 CASES BANANA MOON PIES, AND 40 CASES BEADS (SEALED BID)	\$7,711.70	(130871) TOOMEYS MARDI GRAS CANDY CO (294710) GULF COAST BEADS
1715	2019	(1530) POLICE ADMIN SERVICES	300 TONS LIMESTONE FOR IMPOUND YARD (ANNUAL SEALED BID)	\$10,500.00	(228600) VULCAN CONSTRUCTION MATERIALS LP
4393	2019	(2012) PARKS MAINTENANCE	EXMARK 35IN STAND ON SEEDER /SPRAYER (PRICE QUOTE)	\$8,146.00	(237250) WILSON DISMUKES INC
6163	2019	(2050) EQUIPMENT SERVICES	REPLACE SIDE ARM 2015 NUWAY GARBAGE TRUCK ASSET 54141 (SOLE SOURCE PRICE QUOTE)	\$9,595.52	(190715) SANSOM EQUIPMENT CO INC)

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

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

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

TRANSFER \$20,000 FROM THE DISTRICT 6 DISCRETIONARY ACCOUNT AND \$25,946.09 FROM CAPITAL PROJECT #0073-STREET BEAUTIFICATION, DISTRICT 6 TO CAPITAL PROJECT #C040, GRELOT ROAD BEAUTIFICATION PROJECT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 09-101-2019

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Sponsored by: Councilmember Rich and Mayor Stimpson

BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$20,000.00 be transferred from the General Fund, District 6 Discretionary Account DSC-06, General Fund Account 10041020-42080 and the sum of \$25,946.09 from Capital Project #0073-Street Beautification, District 6, to Capital Project #C0450, Grelot Road Beautification Project.

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

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (OFF PREMISES ONLY) LICENSE FOR CVS PHARMACY 11016, 4645 AIRPORT BOULEVARD. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-102-2019

Sponsored by: Councilmember Daves

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

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

Submitted by: Alabama CVS Pharmacy, LLC

Location: CVS Pharmacy 11016
4645 Airport Boulevard
Mobile, AL 36608

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

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER/TABLE WINE (ON/OFF PREMISES) LICENSE FOR HAPPY SUSHI, 3662 AIRPORT BOULEVARD, SUITE A2. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-103-2019

Sponsored by: Councilmember Daves

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

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

Submitted by: Happy Sushi Yester Oaks. LLC

Location: Happy Sushi
3662 Airport Boulevard, Suite A2
Mobile, AL 36608

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

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL COMMON CARRIER LICENSE FOR PERDIDO QUEEN CRUISES, 1 SOUTH WATER STREET, BERTH B. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-104-2019

Sponsored by: Councilmember Manzie

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

Type of application: Retail Common Carrier License

Submitted by: Perdido Queen Cruises, LLC

Location: Perlddo Queen Cruises
1 South Water Street, Berth B
Mobile, AL 36602

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

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

Nays: None

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

RECOMMEND APPROVAL TO THE ABC BOARD FOR ISSUANCE OF A RETAIL BEER\TABLE WINE (OFF PREMISES ONLY) LICENSE FOR H AND S CONVENIENCE STORE, 1657 JESSIE STREET. The following resolution was introduced by Councilmember Small.

RESOLUTION: 37-105-2019

Sponsored by: Councilmember Richardson

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

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

Submitted by: H and S Convenience Store, LLC

Location: H and S Convenience Store
1657 Jessie Street
Mobile, AL 36617

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

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

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

DECLARE THE STRUCTURE AT 5727 DEERWOOD DRIVE NORTH A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 7). The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-106-2019

Sponsored by: Councilmember Gregory

WHEREAS, under the provisions of Chapter 52, Article 11 of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 5727 DEERWOOD DRIVE N. has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 12, 14 and 15 and;

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 5727 DEERWOOD DRIVE N. as:

LOT 29 DEERWOOD UNIT TWO - PART "A" MBK 25 PAGE 98

Parcel number: 28 02 04 4 001 041

Last assessed to: SCHATZIWAN WILLIAM JEFFERSON

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

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

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

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

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

DECLARE THE STRUCTURE AT 453 MARINE STREET A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 2). The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-107-2019

Sponsored by: Councilmember Manzie

WHEREAS, under the provisions of Chapter 52. Article II of the Mobile City Code "Abatement of Unsafe Buildings and Structural Nuisances," adopted December 5, 2017, the accessory structure at 453 MARINE STREET has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

WHEREAS, the Code Official has identified the following factors, in accordance with Section 4, Subsection 5 of Article II of Chapter 52, in support of the determination that the structure is dangerous and unsafe to the extent that it is a public nuisance: Nuisance Abatement Inspection Checklist/Exhibit A - No. 2, 7, and B; and

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 463 MARINE STREET as:

BEG ON E R/W MARINE ST 51 FT-S- S OF ELMIRA ST THEN THEN ELY 130 FT THEN S 52 FT(S) THEN WLY 130 FT(S) TO MARINE ST THEN N 52 FT(S) TO FOB #SEC 38 T4S RIW #MP29 10 38 0 002

Parcel number: 29 10 38 0 002 071

Last assessed to: JACKSON BRANDON DESMONE

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

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

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

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

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

DECLARE THE STRUCTURE AT 2908 OLD SHELL ROAD A PUBLIC NUISANCE AND ORDER IT DEMOLISHED (DISTRICT 1). The following resolution was introduced by Councilmember Small.

RESOLUTION: 40-108-2019

Sponsored by: Councilmember Richardson

WHEREAS, under the provisions of Chapter 52, Article II of the Mobile City Code, "Abatement of Unsafe Buildings and Structural Nuisances." adopted December 5, 2017, the accessory structure at 2908 OLD SHELL ROAD has been found by the Code Official of the City of Mobile to be dangerous and unsafe to the extent that it is a public nuisance;

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

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

NOW, THEREFORE, BASED UPON THE EVIDENCE PRESENTED, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE that the structure at 2908 OLD SHELL ROAD as:

LOTS 196.197.198,199 & 200 HAAS PL DBK153 N S P 266 LESS PT TAKEN BY RR R/W & PT TO STREET R/W #SEC 18 T4S R/W #IVIP29 0818 4 001

Parcel number: 29 0818 4 001050

Last assessed to: TODD ISAIAH J

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

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

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

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

Nays: None

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

ASSESS COST FOR REMOVAL OF WEEDS, REPEAT WEED LIEN GROUP #25. The following resolution was introduced by Councilmember Small.

RESOLUTION: 58-109-2019

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

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

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

Section 1. The amount set opposite each described parcel of real property contained In exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part hereof as though set forth in full and known as Repeat Weed Lien Group #25 shall constitute special assessments against such respective parcels of land; and each such parcel of land is hereby assessed with the amount set opposite its description; and the assessment hereby made and confirmed shall constitute a lien on and against each such respective parcel of land for the amount of each respective assessment so made; and the report made to this body of the costs of removing the noxious or dangerous weeds on or In front of the respective parcels of land is hereby In all respects confirmed.

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

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REPEAT WEED LIEN							
GROUP 25						Res. No.	
10/3/2018	1st REPEAT WEED LIEN LETTERS SENT					11-058	
2/5/2019	REPEAT WEED LIEN LOTS TO BE ASSESSED FOR COST						
Item		Dis	SRO Repeat	Initial Nuisance	Times out within	Amount Assessed	CBO
No.	Address/Parcel No.		Num	Declaration	36 months		
1	1195 Edwards St	2	891262	1/26/2016	3	\$ -	CMP
2	2652 Serigny Ct	4	896845	5/3/2016	2	\$ 463.33	
3	416 Driver St	1	891264	8/15/2017	1	\$ -	CBO
4	1154 Texas St	2	891265	12/20/2016	1	\$ 337.00	
5	2873 Fredrick St	1	891347	1/26/2018	1	\$ -	CBO
6	1258 Baltimore St	3	891351	6/20/2017	1	\$ 337.00	
7	1111 North Drive	3	894860	5/31/2016	1	\$ 415.41	
8	3919 Moffett Ct	7	894861	7/12/2016	2	\$ 375.00	
9	407 Calhoun St	2	894862	1/26/2016	2	\$ 431.00	
10	2107 Robinson Dr	3	894864	11/10/2015	1	\$ 287.00	
11	1612 Marengo Dr	3	894865	11/7/2017	1	\$ 310.00	
12	616 Euclid Ave	5	894866	12/1/2015	1	\$ 338.00	
13	858 Charlie St	3	894867	1/19/2016	2	\$ 431.00	
14	854 Marine St	3	894869	3/1/2016	1	\$ 275.00	
15	725 Lakeside Dr	4	894870	5/3/2016	1	\$ -	CBO
16	1511 Next St	1	894871	10/24/2017	1	\$ -	CBO
17	1517 Next St	1	894872	10/24/2017	1	\$ -	CBO
18	1513 Driftwood Dr N	3	894874	11/8/2016	2	\$ 592.74	
19	2050 Stockton Dr	3	894875	8/22/2017	2	\$ 431.00	
20	3716 Alba Club Rd	3	894876	7/18/2017	1	\$ 470.79	
21	2907 Fredrick St	1	894877	2/14/2018	1	\$ -	CBO
22	Orangeburg Dr S	7	895192	8/9/2016	1	\$ 371.66	
Parcel No.(28 03 08 3 002 040.XXX)							
Total						\$ 5,886.93	
District total for this group			Numbers of lots out				
1	5		1	0			
2	3		2	2			
3	9		3	9			
4	2		4	1			
5	1		5	1			
6	0		6	0			
7	2		7	2			
	22			15			
*CBO Cut By Owner			*CMP City of Mobile Property				
*N/A Taken out by Inspector			*UDL Undeveloped Lot				
*ADD Added in from other Groups			*CBC CB Contractor				

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

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

Nays: None

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

DETERMINE EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO THE MOBILE MEDICAL MUSEUM SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-110-2019

Sponsored by: Councilmember Rich

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

WHEREAS, Councilmember Rich wishes to donate \$1,000.00 to the Mobile Medical Museum, from her discretionary funds; and

WHEREAS, the Mobile Medical Museum is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this contribution to the Mobile Medical Museum will be used for student tours, educational programming and two special exhibits "Dreaming at Dawn: African Americans and Health Care and "Where Does it Hurt?"; and thus serves a public purpose.

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

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

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

Nays: None

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

DETERMINE EXPENDITURE OF DISCRETIONARY FUNDS FOR CONTRIBUTION TO THE BAY AREA WOMEN COALITION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Small.

RESOLUTION: 60-111-2019

Sponsored by: Councilmember Richardson

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

WHEREAS, Councilmember Richardson wishes to donate \$2,500.00 to the Bay Area Women Coalition, Inc., from his discretionary funds; and

WHEREAS, the Bay Area Women Coalition, Inc., is an Alabama non-profit corporation which provides a service, to the community; and

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

WHEREAS, the Mobile City Council determines that this contribution to the Bay Area Women Coalition, Inc., will be used for the Trinity Gardens Annual Black Heritage parade to be held on March 9, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that a donation to the Bay Area Woman Coalition, Inc., serves a public purpose and further approves and directs the payment of same.

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

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

Nays: None

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

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CIP RESOLUTIONS BEING INTRODUCED:

AUTHORIZE CONTRACT WITH YOUNGBLOOD BARRETT CONSTRUCTION & ENGINEERING, LLC FOR DOG RIVER PARK IMPROVEMENTS-PHASE 2-RENOVATIONS AND NEW RESTROOM, \$591,142.00 (PR-116B-17; CIP 2017 #273, 274, 276, 284; 2018 CIP #2017, 283, 286). The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-112-2019

Sponsored by: Councilmember Williams and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, 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: Youngblood Barrett Construction & Engineering, LLC

Project name: Dog River Park Improvements - Phase 2
Renovations and New Restroom

Project number: PR-116B-17

Amount: \$591,142.00

RESOLUTIONS BEING INTRODUCED:

RE-ALLOCATE \$29,716.00 FROM CAPITAL PROJECT (C0339), GOVERNMENT STREET SIGNAL IMPROVEMENTS 20002000.48050 ARCHTIECTURAL, TO GRANT FUND (G-STPMB-PE) CONGESTION MANAGEMENT PROJECT STPMB-0016(525) GOVERNMENT STREET FROM BROAD STREET TO BANKHEAD TUNNEL, 50015001.48020 ENGINEERING FEES. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 09-114-2019

Sponsored by: Councilmember Manzie

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$29,716.00 be reallocated from Capital Project (C0339) Government Street Signal Improvements 20002000.48050 Architectural to Grant Fund (G-STPMB-PE) Congestion Management Project STPMB-0016(525) - Government Street from Broad Street to Bankhead Tunnel 50015001.48020 Engineering Fees. These funds will be a grant match for preliminary engineering fees for the design of signal improvements on Government Street from Broad Street to the Bankhead Tunnel.

RE-ALLOCATE \$1,662,144.07 FROM THE STORM WATER FUND TO CAPITAL PROJECT #C0446 MUNICIPAL STORM WATER FEES PROJECT FOR THE PURCHASE OF A VACTOR TRUCK, VIDEO PIPE INSPECTION DEVICE AND OTHER ADDITIONAL STORM WATER MANAGEMENT ACTIVITIES. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 09-115-2019

Sponsored by: Mayor Stimpson

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WHEREAS, THE CITY COUNCIL OF THE CITY OF MOBILE adopted Ordinance Number 01-024 on August 21, 2018 levying a storm water fee on Residential and Commercial Property to support the Storm Water Management Program (MS4); and

WHEREAS, Section 9 of the aforementioned Ordinance specifically states: "The storm water fees levied and collected pursuant to this Ordinance levied and collected shall be deposited into a fund to be designated for expenses incurred complying with the City's NPDES permit for operations of its MS4; eliminating floatables from and improving water quality in the rivers streams and waterways of the City; and such other additional storm water management activities required by the City's Storm Water Management Program; and

WHEREAS, The Revenue Commissioner of Mobile County assessed, collected, enforced and remitted the fees to the City of Mobile;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the sum of \$1,662,144.07, currently deposited in the Storm Water Fund, be allocated to Capital Project #C0446 Municipal Storm Water Fees Project for the purchase of a Vactor Truck, Video Pipe Inspection device and other additional storm water management activities.

AUTHORIZE CONTRACT WITH CHRIS BREWER CONTRACTING, INC. FOR CONCEPTION STREET ROAD CULVERT REPLACEMENT AND MCNALLY PARK DREDGE SPOIL REMOVAL (2018-3005-32; D2) (2018-3005-23; D3), \$222,863.93. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-116-2019

Sponsored by: Councilmembers Manzie and Small and Mayor Stimpson

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

Name of company: Chris Brewer Contracting, Inc.

Project name: Conception Street Road Culvert Replacement
(2018-3005-32) (D2)
McNally Park Maintenance Dredging (material removal)
(2018-3005-23) (D3)

Estimated cost: \$222,863.93

AUTHORIZE CONTRACT WITH THOMPSON ENGINEERING, INC. FOR 2016 PAYGO HILLCREST ROAD RESURFACING (GEOTECH ENGINEERING), \$14,000.00 (C0427; 20002000-48020). The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-117-2019

Sponsored by: Councilmember Rich and Mayor Stimpson

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

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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: Thompson Engineering, Inc.

Project name: 2016 PAYGO Hillcrest Road Access Management

Estimated cost: \$14,000.00

AUTHORIZE CONTRACT WITH CORPORATE ENVIRONMENTAL RISK MANAGEMENT FOR 2016 PAYGO HILLCREST ROAD RESURFACING, \$40,000.00 (CONSTRUCTION INSPECTION SERVICES) (C0427; 20002000-48010). The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-118-2019

Sponsored by: Councilmember Rich and Mayor Stimpson

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

Name of company: Corporate Environmental Risk Management

Project name: 2016 PAYGO Hillcrest Road Access Management

Estimated cost: \$40,000.00

AUTHORIZE CONTRACT WITH H. O. WEAVER & SONS, INC. FOR 2016 PAYGO HILLCREST ROAD RESURFACING (CONSTRUCTION), \$724,469.10 (C0427; 20002000-48010). The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-119-2019

Sponsored by: Councilmember Rich and Mayor Stimpson

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

Name of company: H.O. Weaver & Sons, Inc.

Project name: 2016 PAYGO Hillcrest Road Access Management

Estimated cost: \$724,469.10

AUTHORIZE PERFORMANCE CONTRACT WITH MOBILE BOTANICAL GARDENS, \$150,000.00. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-120-2019

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Sponsored by: Councilmember Gregory and Mayor Stimpson

BE IT RESOLVED BY THE 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 Performance Contract, by and between the City of Mobile and Mobile Botanical Gardens 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.

AUTHORIZE A PERFORMANCE CONTRACT WITH THE FRIENDS OF MAGNOLIA CEMETERY, \$188,640.00. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 12, 2019.

RESOLUTION: 21-121-2019

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 performance contract with The Friends of Magnolia Cemetery, Inc., for maintenance and operation of the Cemetery, in the amount of \$15,720.00 per month during the term of this Agreement, for a total annual payment of \$188,640.00 thereafter, 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.

NOTE: At approximately 11:36 a.m. Councilmember Daves excused himself from the meeting.

ANNOUNCEMENTS:

Councilmember Rich invited the community to bring their children to make hand print tiles which will be installed in the entry wall for the new splash pad coming soon to Medal of Honor Park. The event will take place Saturday, February 9, 2019, 9:00 a.m. – 2:00 p.m., at the Connie Hudson Senior Center.

NOTE: At approximately 11:37 a.m. Councilmember Gregory excused herself from the meeting.

Councilmember Rich announced a district six community meeting will be held Tuesday, February 19, 2019, 6:30 – 8:30 p.m., at the Connie Hudson Senior Center.

Councilmember Richardson provided updates for several re-surfacing projects in district one.

Councilmember Richardson noted that a district one community meeting will be held on Thursday, February 21, 2019, 6:00 p.m., at the Dumas Wesley community center.

Councilmember Small invited citizens to the Black History Month program hosted by the First Baptist Church of Baltimore Street. Mr. Small will be honored at the program.

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

Ayes: Richardson, Manzie, Small, and Rich

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:43 a.m.

Approved: February 12, 2019

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COUNCIL VICE PRESIDENT

CITY CLERK