MUNICIPAL BUILDING, MOBILE, ALABAMA, JANUARY 29, 2018

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, January 29, 2018, at 9:00 a.m.

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

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

The Presiding Officer adjourned the meeting.

Approved: February 5, 2019

COUNCIL VICE PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JANUARY 29, 2018

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza, on Tuesday, January 29, 2019, at 10:30 a.m., in regular meeting.

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

Pastor Jessica Durr, Metropolitan AME Church, offered an invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

STATEMENT OF RULES BY PRESIDING OFFICER:

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

APPROVAL OF MINUTES:

The minutes of the meeting of January 22, 2018 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR:

Mayor Stimpson named Captain Barry Glisson as "Firefighter of the Month" for January 2019.

Mayor Stimpson reported he received positive feedback regarding the Senior Bowl.

Mayor Stimpson recommended the public take time to visit the "Genghis Khan, The Great Civilizer" exhibit at the Gulf Coast Exploreum.

Mayor Stimpson complimented Public Safety Director James Barber and Mobile Police Chief Lawrence Battiste for their efforts related to the memorial services for Officer Sean Tuder.

ADOPTION OF THE AGENDA:

Councilmember Rich moved to adopt the agenda, which move 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 agenda adopted.

APPEALS:

The Council considered the request of J. Boyd Douglas, Order of Myths, for a waiver of the Noise Ordinance at 254 St. Anthony Street on March 3, 2019, from 11:30 a.m. until 6:00 p.m.; and on March 5, 2019, from 6:00 p.m. until 10:00 p.m. (District 2).

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

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

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

PUBLIC HEARINGS:

PUBLIC HEARING TO 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 Presiding Officer announced that today was the day for the public hearing to rezone property at 5560 Todd Acres Drive from B-5 to I-1 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 at a later date.

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL:

AGENDA ITEMS:

None.

NON-AGENDA ITEMS:

1. Brian Carberry, 6701 Pinetucky Road, South, provided information regarding the Mobile Kennel Club's dog show in Mobile.

2. Reggie Hill, 1007 Center Street, offered ideas to curb youth violence in Mobile.

3. Fabian Olensky, 104 Fenwick Road, requested clarification on the laws regarding parking meters downtown and voiced his concerns regarding the company that issues parking tickets.

NOTE: At approximately 11:20 a.m. Councilmember Williams excused himself from the meeting.

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, and held over once more until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 37-046-2019

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: 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 Richardson moved, that the resolution be held over for one (1) week until the regular meeting of Tuesday, February 5, 2019, which was seconded by Councilmember Manzie and the vote was as follows:

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

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

RESOLUTIONS HELD OVER:

AUTHORIZE CONTRACT WITH GORAM AIR CONDITIONING COMPANY, INC. FOR CITY OF MOBILE, ALABAMA CRUISE TERMINAL-SEAPORT PASSENGER BOARDING BRIDGE HVAC AND CANOPIES, $367,335.00 (CT-003-19; C0259). The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

REOSLUTION: 21-078-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of company: Goram Air Conditioning Company, Inc.

Project name: City of Mobile, Alabama Cruise Terminal
Seaport Passenger Boarding Bridge HVAC and Canopies

Project number: CT-003-19

Amount: $367,335.00

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

Ayes: Richardson, Manzie, Small, 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 THOMAS INDUSTRIES, INC. FOR CIVIC CENTER ARENA-WEST LOW ROOF REPAIRS, $14,462.00 (CC-012-19C0040). The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-079-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of company: Thomas Industries, Inc.

Project name: Civic Center Arena - West Low Roof Repairs

Project number: CC-012-19

Amount: $14,462.00

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

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

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

AUTHORIZE CONTRACT WITH R. CARTER & ASSOCIATES, INC. FOR FIRE SUPPRESSION SYSTEMS INSPECTIONS-VARIOUS CITY OF MOBILE LOCATIONS, $20,670.00 (3-YEAR CONTRACT) (SC-016-19; 10043037-42150). The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-080-2019

Sponsored by: Mayor Stimpson

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

Name of company:	R. Carter & Associates, Inc.
Project name:	Fire Suppression Systems Inspections Various City of Mobile Locations
Project number:	SC-016-19
Amount:	$6,530.00 (Year 1 - Initial Term) $6,900.00 (Year 2 -1st Additional Term) $7,240.00 (Year 3 – 2nd Additional Term) $20,670.00 3 Year Contract

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

Ayes: Richardson, Manzie, Small, 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 ALLEN CONSULTING FOR ANNUAL INDEPENDENT ACTUARIAL ANALYSIS FOR THE CITY'S WORKER'S COMPENSATION PROGRAM, $10,000.00 OVER 3 YEARS (10049050.42200). The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-081-2019

Sponsored by: 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 contract with Allen Consulting, for the purposes of conducting an annual independent actuarial analysis for the City of Mobile's worker's compensation program 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.

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

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

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

AUTHORIZE PROFESSIONAL SERVICES CONTRACT WITH CONNIE DEAS TO PROVIDE SERVICES AS A PAYMENT CLERK IN THE CIRCUIT AND MUNICIPAL COURTS. The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-082-2019

Sponsored by: 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 Contract, by and between the City of Mobile and Connie Deas, for Professional Services 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.

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

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

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

AUTHORIZE PROFESSIONAL SERVICES CONTRACT WITH CYNTHIA CURRY TO PROVIDE SERVICES AS A DRUG LAB TECHNICIAN IN THE CIRCUIT AND MUNICIPAL COURTS. The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-083-2019

Sponsored by: 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 Contract, by and between the City of Mobile and Cynthia Curry, for Professional Services 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.

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

Ayes: Richardson, Manzie, Small, 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 THOMPSON ENGINEERING, INC. FOR 2018 PAYGO (GROUP B) (D1, 2, 3, 4 AND 5), $425,000.00 (COM PROJECT NO. 2019-3005-17). The following resolution, which was introduced and read at the regular meeting of Tuesday, January 22, 2019 and held over for one (1) week until the regular meeting of January 29, 2019, was called up by the Presiding Officer.

RESOLUTION: 21-084-2019

Sponsored by: Councilmembers Richardson, Manzie, Small, Williams, Daves and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and the company listed below, for work as outlined in the contract attached 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: Thompson Engineering, Inc.

Project name: 2018 PAYGO (Group B) (D1, 2, 3, 4 and 5)

COM project no.: 2019-3005-18

Estimated cost: $425,000.00

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

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

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

ORDINANCES BEING INTRODUCED:

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 was held over for one (1) week until the regular meeting of Tuesday, February 5, 2019.

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:

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.

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 was held over for one (1) week until the regular meeting of Tuesday, February 5, 2019.

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.

(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.

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.

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.

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 03-087 – 60-090 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED:

APPOINT BRENDA RHODES TO THE MOBILE TENNIS CENTER ADVISORY BOARD. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 03-087-2019

Sponsored by: Councilmember Small

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Brenda Rhodes is appointed to the Mobile Tennis Center Advisory Board effective immediately for a term ending August 2, 2020.

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

Ayes: Richardson, Manzie, Small, 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 21, 2019, $273,799.27. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 08-088-2019

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	FY	Department	Description	Amount	Vendor
3749	2019	(2062) ELECTRICAL	FIBER OPTIC TESTING AND FUSION REPAIR KITS (US COMMUNITIES COOPERATIVE PURCHASING AGREEMENT)	$19,595.47	(75199) GRAYBAR ELECTRIC CO INC
4993	2019	(F7000) MOTOR POOL	2 2019 FORD F250 4X2 CREW CAB TRUCKS (SEALED BID)	$59,466.00	(270013) AUTONATION FORD MOBILE
5494	2019	(F7000) MOTOR POOL	TAKEUCHI TB260 MINI EXCAVATOR (AL STATE CONTRACT)	$53,996.15	(37501) COWIN EQUIPMENT CO INC
5649	2019	(2050) EQUIPMENT SERVICES	PRE ORDER GARAGE UNLEADED FUEL (SEALED BID)	$13,134.00	(42474) DAVISON OIL COMPANY INC
5650	2019	(2050) EQUIPMENT SERVICES	PRE ORDER GARAGE NON ETHANOL UNLEADED FUEL (SEALED BID)	$16,798.65	(279229) PETROLEUM TRADERS CORPORATION
5651	2019	(2050) EQUIPMENT SERVICES	PRE ORDER GARAGE DIESEL FUEL (AL STATE CONTRACT)	$15,855.00	(279229) PETROLEUM TRADERS CORPORATION
5652	2019	(2050) EQUIPMENT SERVICES	PRE ORDER MOTOR POOL UNLEADED FUEL (SEALED BID)	$13,134.00	(42474) DAVISON OIL COMPANY INC
5653	2019	(2050) EQUIPMENT SERVICES	PRE ORDER LANGAN UNLEADED FUEL (AL STATE CONTRACT)	$13,134.00	(42474) DAVISON OIL COMPANY INC
5654	2019	(2050) EQUIPMENT SERVICES	PRE ORDER 4TH PRECINCT UNLEADED FUEL (SEALED BID)	$13,134.00	(42474) DAVISON OIL COMPANY INC
5655	2019	(2050) EQUIPMENT SERVICES	PRE ORDER 4TH PRECINCT DIESEL FUEL (AL STATE CONTRACT)	$15,855.00	(279229) PETROLEUM TRADERS CORPORATION
5659	2019	(1510) FIRE ADMIN	ANNUAL RENEWAL PRIME ALERT/ COMPUTER-AIDED-VOICE ALERT & DISPATCH SYSTEM (SOLE SOURCE)	$23,812.00	(287059) LOCUTION SYSTEMS INC
5721	2019	(F6060) WAVE TRANSIT SYSTEM	WAVE TRANSIT DIESEL FUEL (AL STATE CONTRACT)	$15,85.00	(279229) PETROLEUM TRADERS CORPORATION

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

Ayes: Richardson, Manzie, Small, 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 KENNEL CLUB SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 60-089-2019

Sponsored by: Councilmember Rich

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

WHEREAS, Councilmember Rich wishes to donate $1,250.00 to the Mobile Kennel Club from her discretionary funds; and

WHEREAS, the Mobile Kennel Club 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 Mobile Kennel Club will be used for the Gulf Coast Classic Dog Show to he held September 5-8, 2019 at The Grounds to help offset some of the expenses;

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

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

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

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

APPROVE AWARD OF SPECIAL BONUS TO THE FIREFIGHTER OF THE MONTH AS PART OF THE MAYOR'S INCENTIVE PROGRAM, BARRY GLISSON, $500.00. The following resolution was introduced by Councilmember Rich.

RESOLUTION: 60-090-2019

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA that the Mayor, upon the nomination by City supervisors recommends to the City Council that it authorize awards, pursuant to Section 11-40-22 Code of Alabama 1975, of $500 each to the employees on the attached list marked as Exhibit A.

These employees are to be commended for their exemplary work performance or innovations that significantly reduce costs or result in an outstanding improvement in service to the public.

Firefighter of the Month			
Last Name	First Name	Award	Date
Glisson	Barry	Firefighter of the Month	Jan-19

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

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

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

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

Councilmember Richardson moved for the suspension of the rules to consider CIP Resolutions 01-091 and 21-095 being introduced for the first time. The motion was seconded by Councilmember Gregory, and the vote was as follows:

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

The Presiding Officer declared unanimous consent granted for the items.

CIP RESOLUTIONS BEING INTRODUCED:

AUTHORIZE AGREEMENT WITH THE UNIVERSITY OF SOUTH ALABAMA TO UPGRADE THAT SECTION OF MOBILE STREET LEADING TO THE MEDICAL CENTER BY ADDING STREET LIGHTING AND OTHER IMPROVEMENTS AND AUTHORIZING THE CITY TO CONTRIBUTE $150,000.00 TOWARDS THE PROJECT (D1 2019 CIP; C0344). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 01-091-2019

Sponsored by: Councilmember Richardson and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE. ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the Agreement between the City of Mobile ("City") and the University of South Alabama ("USA") for USA to upgrade that section of Mobile Street leading to the Medical Center, by adding street lighting and other improvements ("Project"), and authorizing the City to contribute $150,000 towards the Project from its District 1 2019 Capital Improvement Plan ("CIP") funds. A copy of said Agreement is on file in the office of the City Clerk.

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

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

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

AUTHORIZE CHANGE ORDER 1 FOR INNOVATING ST. LOUIS STREET: MOBILE'S TECHNOLOGY CORRIDOR, ADD $31,050.00 (COM PROJECT NO. 2018-3005-19; D2; #72; C0322; 20002000-48020). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 13-092-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

WHEREAS, the City entered into a contract dated July 10, 2018 with Burk-Kleinpeter, Inc. for design professional services on the project known as Innovating St. Louis Street: Mobile's Technology Corridor, C.O.M. Project No. 2018-3005-19.

WHEREAS, the fees for the design professional services were based on the scope of services as described in Task Order 1, with the fee of $250,000.00; and

WHEREAS, at the time the contract was entered into Master Planning services for the entire limits of the corridor was not included In the scope of services; and

WHEREAS, the additional cost is $31,050.00 for the additional scope of services;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Council does hereby authorize the additional fee of $31,050.00, for a total of $281,050.00, to be paid to Burk-Kleinpeter, Inc. for design professional services on the Innovating St. Louis Street: Mobile's Technology Corridor Project.

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

Ayes: Richardson, Manzie, Small, 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 ESPALIER, LLC, FOR CRAWFORD-MURPHY PARK-GRADING AND DRAINAGE IMPROVEMENTS, $19,525.00 (PR-027-19; 2019 CIP #1094, D2/ C0201). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 21-093-2019

Sponsored by: Councilmember Manzie and Mayor Stimpson

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

Name of company: Espalier, LLC

Project name: Crawford-Murphy Park
Grading & Drainage Improvements

Project number: PR-027-19

Amount: $19,525.00 (2019 CIP #1094, D2)

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

Ayes: Richardson, Manzie, Small, 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 AEIKER CONSTRUCTION CORPORATION FOR HENRY AARON PARK-PLAYGROUNDS, $338,710.00 (PR-052-18; 2018 CIP #2017-048, D1; C0102). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 21-094-2019

Sponsored by: Councilmember Richardson and Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, 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: Henry Aaron Park - Playgrounds

Project number: PR-052-18

Amount: $338,710.00 (2018 CIP #2017-048, D1)

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

Ayes: Richardson, Manzie, Small, 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 AEIKER CONSTRUCTION CORPORATION FOR MIMS PARK-BLEACHERS AND BATTING CAGES, $49,000.00 (PR-065-18; 2018 CIP #2017-286, D4; C0037). The following resolution was introduced by Councilmember Rich.

RESOLUTION: 21-095-2019

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: Aeiker Construction Corporation

Project name: Mims Park - Bleachers & Batting Cages

Project number: PR-065-18

Amount: $49,000.00 (2018 CIP #2017-286, 04)

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

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

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

RESOLUTIONS BEING INTRODUCED:

GRANT EASEMENT TO ALABAMA POWER COMPANY FOR REMOVAL OF A REAR LOT PRIMARY FEED AND RELOCATION TO WESTWOOD STREET. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 5, 2019.

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/l00 ($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.

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 was held over for one (1) week until the regular meeting of Tuesday, February 5, 2019.

RESOLUTION: 21-097-2019

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 A SETTLEMENT AGREEMENT IN THE CASE OF ELLIOTT V. GUTHANS, ET AL. The following resolution was held over for one (1) week until the regular meeting of Tuesday, February 5, 2019.

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 comer 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 Probate of Mobile County, Alabama, thence in a southwestdwardly 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 PARTICULLY 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"2r39"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 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.

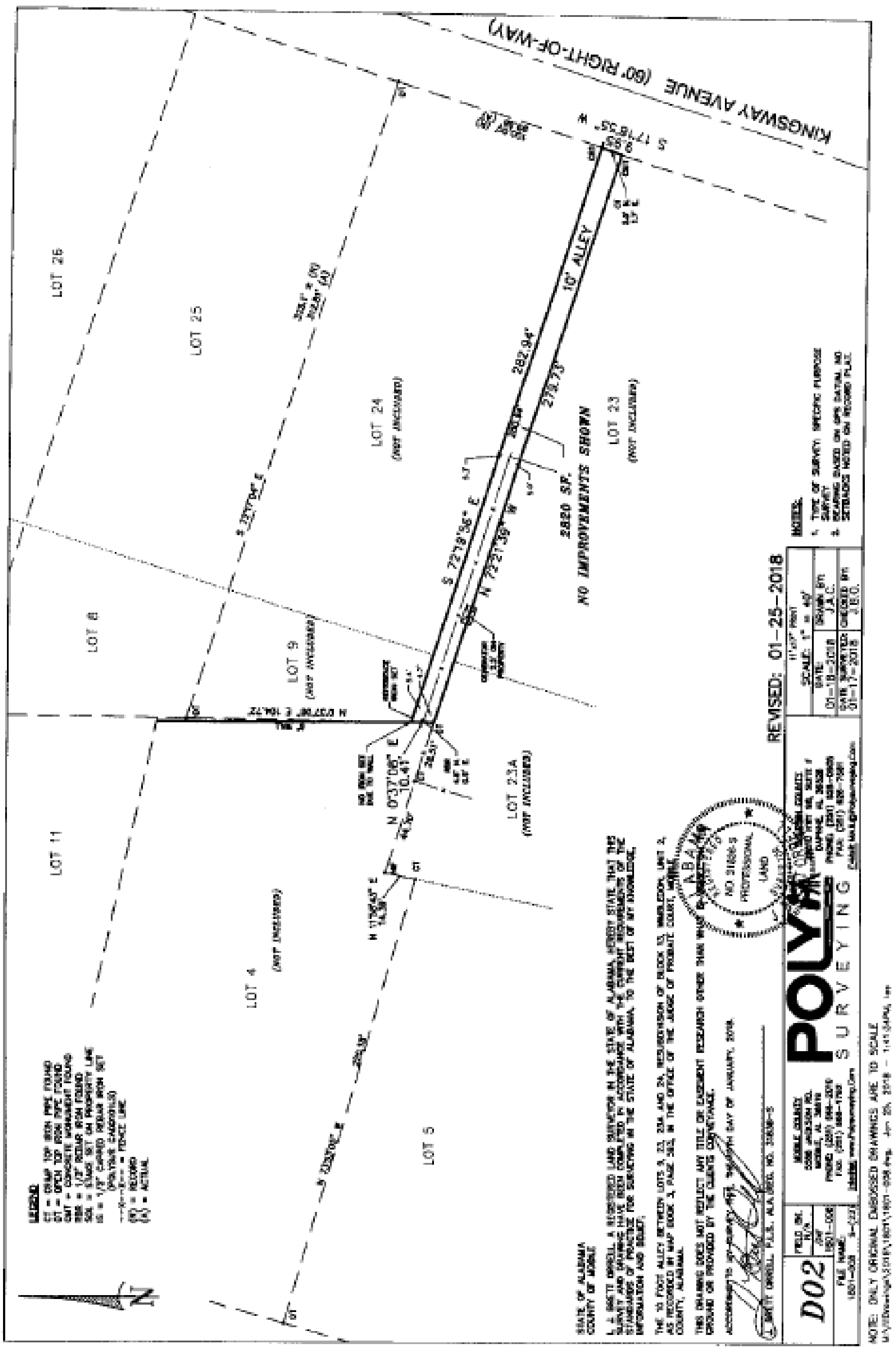
NOW, THEREFORE, be it RESOLVED by the CITY COUNCIL OF THE CITY OF MOBILE, as follows:

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 aforedescribed 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.

EXHIBIT A



CALL FOR PUBLIC HEARINGS:

CALL FOR PUBLIC HEARING TO REZONE PROPERTY AT 956 MOBILE STREET (EAST SIDE OF MOBILE STREET, 48' ± SOUTH OF BOYETT STREET, EXTENDING TO THE SOUTH SIDE OF BOYETTE STREET), FROM R-1 TO B-1 (DISTRICT 1). The following resolution was introduced by Councilmember Richardson.

RESOLUTION: 41-099-2019

Sponsored by: Councilmember Richardson

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

NOTICE OF HEARING ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

Notice is hereby given that the City Council of Mobile proposes to consider the adoption of the attached amendment to the Ordinance adopted on the 16th day of May, 1967, and known as the "Zoning Ordinance." The adoption of such amendment will be considered by the City Council of Mobile in the Auditorium of the Mobile Government Plaza located at 205 Government Street, Mobile, Alabama, on the 26th day of February, 2019, at 10:30 a.m. At such time and place all persons who desire shall have an opportunity to be heard in opposition to, or in favor of the amendment. Furthermore, the City Council, at this public hearing, may consider zoning classification ns other than that sought by the applicant for this property.

This notice is published pursuant to a resolution of the City Council of Mobile adopted on the 29th day of January, 2019.

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED BY THE BOARD OFCOMMISSIONERS 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:

LOT 1, KIMBERLY CARE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 255, 256, AND 257 TRINITY GARDENS EXTENTION SOUTH, AS RECORDED IN MAP BOOK 4 PAGE 21 IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

The classification of said property is hereby changed from R-1, Single-Family Residential 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 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 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 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 B-1, Buffer Business District, until all of the conditions set forth below have been complied with: 1) full compliance with all municipal codes and ordinances.

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

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

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

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as February 26, 2019.

ANNOUNCEMENTS:

Councilmember Small reported that the spaghetti dinner to benefit the Parkway Senior Center Foundation, Inc. was a success. Mr. Small thanked Our Lady of Lourdes Catholic Church and the community for supporting the event.

Councilmember Small announced the Public Works Investigative Committee will meet at 1:00 p.m. to receive the report it commissioned to investigate working conditions in the Public Works Department.

Councilmember Gregory reminded citizens that the first Three Mile Creek Greenway community meeting will be held from 4:00 – 6:00 p.m. tonight at the Mobile Museum of Art.

Councilmember Rich asked the public to leave feedback at mapofmobile.org regarding the City's new zoning codes.

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 invited residents to attend the Three Mile Creek Greenway community meeting being held today, at 4:00 p.m., at the Dumas Wesley community Center.

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 Manzie encouraged the public to attend one of the Three Mile Creek Greenway community meetings.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourned at approximately 11:54 a.m.

Approved: February 5, 2019

COUNCIL VICE PRESIDENT

CITY CLERK