

MUNICIPAL BUILDING, MOBILE, ALABAMA, AUGUST 1, 2023

The Council of the City of Mobile, Alabama, met in the City Council’s Conference Room on the ninth floor of the Mobile Government Plaza on Tuesday, August 1, 2023, at 9:00 a.m.

Councilmembers:

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

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

Approved:

COUNCIL PRESIDENT

ASSISTANT CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, AUGUST 1, 2023

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Mobile Government Plaza on Tuesday, August 1, 2023, at 10:30 a.m., for the regular meeting.

The meeting was called to order by Assistant City Clerk, Lana Gauthier.

Ed Connick, Public Safety Chaplain, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

Chairman:
Vice-Chairman: Gregory
Councilmembers: Penn, Carroll, Reynolds, and Daves

STATEMENT OF RULES BY PRESIDING OFFICER

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

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson said that the official opening and ribbon cutting ceremony of Broad Street last Saturday was a great success.

Mayor Stimpson stated that on this past Sunday he and several members of the Administration went to Dothan, Alabama and toured the Wiregrass Public Safety Center.

Mayor Stimpson shared that he met with Governor Kay Ivey and discussed Internet Sales Tax Revenue.

Mayor Stimpson read a proclamation declaring August 4, 2023, as “Coast Guard Day” in Mobile.

Mayor Stimpson read a proclamation declaring August, 2023 as “United Way Month” in Mobile.

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NOTE: Councilmember Carroll read and presented a proclamation on behalf of the Council declaring August 6 – August 12, 2023, as “National Health Center Week” in Mobile.

ADOPTION OF THE AGENDA:

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

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

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

APPEALS

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

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

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

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

NON-AGENDA ITEMS:

Sabrina Mass, 1050 Belvedere Circle West, Addressed her concerns about the wording in the letter she received from the Council Attorney, the First Amendment of the Constitution, and the change of City Council rules and procedures.

Johnnie Robinson, P.O. Box 1201, Theodore, AL, Concerns about trash services he is paying for but, not receiving and the maintenance of the community.

Timothy Hollis, 1924 Seale Street, Comments related to ordinance 02-032 regarding Council rules and a letter he received from the City Council’s attorney.

David Chaillot, 300 N. Water Street, Apt. 421, Concerns for the safety of citizens and the police not doing anything about texting and driving.

Reggie Hill, 1007 Center Street, Council oversight (ARB, Planning Commission), Neighborhood Development, Ladd Stadium, and FY24 Budget.

ORDINANCES HELD OVER

ORDINANCE TO AMEND ORDINANCE 34-028-2012 TO EXTEND AND RENEW THE CAPITAL IMPROVEMENT PROGRAM. The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

ORDINANCE: 34-034-2023

Sponsored by: Councilmembers Penn, Carroll, and Small

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

SECTION ONE. Findings and Purpose

Paragraph A. By Ordinance No. 34-028, adopted October 2, 2012, the City Council increased the tax rates on sales, use and related taxes in the city limits and the police jurisdiction. The Ordinance provided that the additional tax imposed (the "Additional Tax") "shall sunset effective July 31, 2015."

Paragraph B. By Ordinance No. 34-039 adopted September 16, 2014, the City Council amended the sunset to change the effective date to September 30, 2018.

Paragraph C. By Ordinance No. 34-003 adopted February 6, 2018, the City Council amended the sunset to change the effective date to September 30, 2023.

Paragraph D. By Ordinance No. 34-017 adopted July 19, 2018, the City Council dedicated and allocated the proceeds from the Additional Tax as follows: (1) Three million dollars for a Miscellaneous Capital Improvement fund for each of the seven council districts; (2) Four million dollars for municipal buildings, infrastructure studies, and other citywide capital expenses; and (3) any amount exceeding Twenty-five Million dollars to other capital expenditures as may be approved by the Council.

Paragraph E. The City Council desires to remove the sunset from the Additional Tax.

Paragraph F. Recognizing that capital needs of the City change over time due to economic development opportunities, catastrophic storms, and other unanticipated events, the Council desires to dedicate and allocate the proceeds from the Additional Tax for a period of five (5) years. Thereafter, the Council, at its discretion, may continue the dedication and allocation as is or change as needed;

SECTION TWO. Amendment of Sunset Provision

The unnumbered section of Ordinance No. 34-028-2012, entitled "Sunset Provision" adopted October 2, 2012, amended September 16, 2014 by Ordinance No. 34-039, and February 6, 2018 by Ordinance No. 34-003, is hereby amended to change the effective date of the sunset to "September 30, 2028," so that, as amended, it reads:

SUNSET PROVISION: The additional tax imposed by this Ordinance shall sunset effective September 30, 2028.

SECTION THREE. Amendment of Dedication and Allocation of Tax Proceeds

The dedication in Ordinance 34-017 adopted July 10, 2018, is hereby amended to read as follows:

DEDICATION OF PROCEEDS. The proceeds from the Additional Tax ("Proceeds") shall be dedicated and allocated annually as follows:

(1) Four million dollars (\$4,000,000.00) for each of the seven council districts, a total of Twenty-Eight million dollars (\$28,000,000.00), to be placed in funds labeled as follows: "Miscellaneous Capital Improvements—District 1"; "Miscellaneous Capital Improvements—District 2"; "Miscellaneous Capital Improvements—District 3"; "Miscellaneous Capital Improvements—District 4"; "Miscellaneous Capital Improvements—District 5"; "Miscellaneous Capital Improvements—District 6"; and "Miscellaneous Capital Improvements—District 7";

(2) Four million dollars (\$4,000,000) for municipal buildings, infrastructure, and other citywide capital expenses;

(3) To the extent Proceeds exceed projections based on fiscal year 2022 revenues (the "Excess"), up to four million dollars (\$4,000,000.00) of the Excess may be placed in funds

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for city infrastructure and other city capital expenses in Community Block Grant eligible census tracts in the city limits of the City of Mobile.

(4) Any Proceeds not dedicated and allocated under (1) through (3) above shall be allocated to other capital expenditures as approved by the Council, including but not limited to, capital projects, city match for grant funded capital projects, and debt service for capital projects.

SECTION FOUR. All other sections of Ordinance 34-028-2012, adopted October 2, 2012, as amended, not in conflict with this Ordinance shall remain in full force and effect.

SECTION FIVE. This Ordinance shall take effect after its adoption and publication as required by law.

Councilmember Daves moved to adopt the ordinance, which move was seconded by Councilmember Penn, following comments from Councilmembers Carroll and Reynolds the vote was as follows:

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

Nays: None

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

ORDINANCE DEEMING PROPERTY AT 109 JEFFERSON STREET NOT NOW NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE.

The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

ORDINANCE: 88-035-2023

Sponsored by: Mayor Stimpson

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

SECTION ONE: It is hereby found and determined by the City Council of the City of Mobile, Alabama, that the property at 109 S Jefferson Street hereinafter described is not now needed for public or municipal purposes and that it is in the best interest of the City of Mobile and in the public interest that said properties be sold to FIGURES INVESTMENTS, INC.:

109 S Jefferson Street

The lot of land bounded by a line described as beginning at a point on the East side of Jefferson Street where the North line of the property McGrath, formerly of Oberkirk, intersects the East line of Jefferson Street, which point is 110 feet, more or less, North of the Northeast intersection of Church and Jefferson Streets, running thence Eastwardly along the North line of McGrath's property 107 feet, more or less, to a fence marking the East boundary line of the lot herein conveyed, thence running Northwardly along said fence and parallel or nearly so with Jefferson Street 30 feet, more or less, to the South line of property belonging to the Estate of Murphy; thence running Westwardly along the South line of said Murphy property 107 feet, more or less, to the East line of Jefferson Street; thence running Southwardly along the East side of Jefferson Street 30 feet, more or less, to the point of beginning; said property being bounded on the South by property of McGrath, on the East by a line being one-half the distance between Bayou and Jefferson Street, on the North by property of Murphy and on the West by Jefferson Street.

SECTION TWO: The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and in the name, and on behalf of the City of Mobile, the Purchase Agreement when prepared for the property shown above.

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SECTION THREE: The Mayor and the City Clerk are also hereby authorized and directed to execute and attest, respectively, for and in the name, and on behalf of the City of Mobile, the Warranty Deed when prepared for the property shown above.

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

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

Councilmember Carroll moved to adopt the ordinance, which move was seconded by Councilmember Daves, following comments from Councilmember Carroll the vote was as follows:

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

Nays: None

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

RESOLUTIONS HELD OVER

TRANSFER FUNDS FROM GENERAL FUND ENGINEERING PROFESSIONAL AND TECHNICAL TO PERFORMANCE CONTRACT FOR EVENTS MOBILE FOR THE MOON PIE DROP; \$140,000.00. The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

RESOLUTION: 09-801-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$140,000.00 be transferred within the General Fund (Fund 1000) from 10043005-42200 Engineering Professional and Technical to 10049070-42080 Performance Contracts for Events Mobile to be used for the Moon Pie Drop.

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

Ayes: Penn, Carroll, Reynolds, Daves, 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 N. WASHINGTON AVENUE STREET AND CULVERT REPAIRS; \$80,500.00. The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-802-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

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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: N. Washington Ave. Street and Culvert Repairs
COM Project No. 2023-3005-19

Estimated Cost: \$80,500.00

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

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

Nays: None

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

AUTHORIZE A CONTRACT WITH FIRST HOPEWELL MISSIONARY BAPTIST CHURCH TO REPAIR AND COMPLETE INSTALLATION OF SIDEWALKS ON SHELBY STREET; \$19,500.00. The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

RESOLUTION: 21-803-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

WHEREAS, installation of sidewalk panels promote walkability for residents, and enhancement of safety of travel and, thereby benefitting the public good; and

WHEREAS, First Hopewell Missionary Baptist Church plans to repair and complete the installation of sidewalk panels located on Shelby Street; and

WHEREAS, helping fund the construction, repair and installation of this sidewalk is a good, proper and justifiable use of public resources.

BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$19,500.00 from Capital Project D0014 Capital Discretionary-District 2 (Fund 2000); to First Hopewell Missionary Baptist Church, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, that this action is necessary to perform essential minimum functions of the Council, and further authorizes the Mayor and City Clerk to execute and attest for and on behalf of the City of Mobile the contract attached hereto and made a part hereof as though set forth in full. A copy of said contract is on file in the office of the City Clerk.

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

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

Nays: None

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

CONSIDER APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FRIENDS OF AFRICAN AMERICAN HERITAGE TRAIL, INC. TO OPERATE A SHUTTLE SERVICE. The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

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RESOLUTION: 37-804-2023

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

NOTICE OF HEARING ON PROPOSED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A SHUTTLE SERVICE

Notice is hereby given that the City Council of Mobile, Alabama, proposes to consider the application of Friends of African American* Heritage Trail, Inc. to operate a shuttle service in the City of Mobile. The adoption of such Certificate will be considered by the City Council in the Auditorium of the Mobile Government Plaza, located at 205 Government Street, Mobile, Alabama, on July 24, 2023, 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 proposed resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that pursuant to the provisions of Ordinance #59-073, 2005, that the application of Friends of African American Heritage Trail, Inc. for a Certificate of Public Convenience and Necessity to operate a shuttle service is hereby approved. A copy of said application is on file in the office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BRADLEY.

The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-805-2023

Sponsored by: Mayor Stimpson

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

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

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

Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; CUCCIAS.

The following ordinance which was introduced and read at the regular meeting of July 24,

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2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-806-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, that the City Attorney and the City Council Attorney, or their respective designees, be, and they hereby are, authorized to execute for and on behalf of the City of Mobile and the City Council of the City of Mobile, Alabama, the Settlement Agreement and Release of Claims arising out of the claim of Michael Cuccias and Heather Cuccias, as outlined in the Settlement Agreement and Release of Claims. A copy of said settlement agreement is on file in the Office of the City Clerk.

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

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

Nays: None

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; HARVELL.

The following ordinance which was introduced and read at the regular meeting of July 24, 2023, and held over until the regular meeting of August 1, 2023, was called up by the Presiding Officer.

RESOLUTION: 60-807-2023

Sponsored by: Mayor Stimpson

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

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

Ayes: Penn, Carroll, Reynolds, Daves, 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 Daves moved for the suspension of the rules to consider Consent Resolutions 09-813 through 27-840 being introduced for the first time. The motion was seconded by Councilmember Penn, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

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TRANSFER FUNDS FROM DISTRICT 2 DISCRETIONARY FUNDS TO PARKS & RECREATION GENERAL FUND ACCOUNT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 09-813-2023

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$800.00 be transferred from the District 2 General Fund, Discretionary Account DSC-04, from General Fund Account 10041020-42200 to the Mobile Parks & Recreation General Fund Account 10042032-44020 and will be used to assist with the back-to-school backpack drive at the Sullivan Center.

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

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

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

APPOINT PHILLIP DAVENPORT TO THE MOBILE DOWNTOWN REDEVELOPMENT AUTHORITY. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 03-812-2023

Sponsored by: Councilmember Carroll

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that Phillip Davenport is appointed fill an unexpired term to the Mobile Downtown Redevelopment Authority for a term ending November 12, 2027.

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

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

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

DECLARE WEEDS NOXIOUS GROUP 1644. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-814-2023

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as **Group #1644** under the caption "NOXIOUS OR DANGEROUS WEEDS GROWING ON PROPERTY," are noxious and dangerous, and such weeds are hereby declared to be public nuisances. The properties upon which such weeds are growing are all located within the corporate limits of the City of Mobile, about the streets referred to in the description which are more particularly described in said Exhibit "A."

SECTION 2: The weeds growing on or in front of the above-described parcels of property shall be abated by the removal of such noxious or dangerous weeds or they will be removed and the nuisances abated by the City of Mobile, in which case the cost of such removal will be assessed against the respective parcels of lands from which such weeds are removed, and such cost will constitute a lien upon such respective parcels of land until paid. A public meeting is hereby called to be held in the Auditorium of the Mobile Government Plaza, 205 Government Street, Mobile, Alabama, on the **5th day of September 2023**, at ten thirty a.m., for the purpose of hearing any objections to the declarations contained in this resolution and to the proposed removal of such weeds, at which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

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

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

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

AUTHORIZE REMOVAL OF WEEDS, GROUP 1643. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-841-2023

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 costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of and, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling 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 1643** 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

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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.

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

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

Nays: None

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

ASSESS COST FOR REMOVAL OF WEEDS, WEED LIEN GROUP 1640. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 58-815-2023

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

WHEREAS, an itemized report in writing has been made to the City Council of Mobile, showing the costs of removing noxious or dangerous weeds on or in front of the hereinafter described parcels of land, a copy of such report having first been posted on the Council Chamber door more than three days prior to the meeting at which the report was received, and the City Council having heard the report, together with any objections which may have been raised by any of the property owners liable to be assessed for the work of culling 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 1640** 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.

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

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

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

DETERMINE AN APPROPRIATION TO FRIENDSHIP MISSIONAR BAPTIST CHURCH SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 60-816-2023

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Gregory wishes to appropriate **\$200.00** to Friendship Missionary Baptist Church., from her discretionary funds; and

WHEREAS, Friendship Missionary Baptist Church, is an Alabama non-profit corporation which provides a service to the community; and

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

WHEREAS, the Mobile City Council determines that this appropriation to Friendship Missionary Baptist Church, will be used to assist with their Back to School Bash.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$200.00** to Friendship Missionary Baptist Church, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

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

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

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

DECLARE PUBLIC WORKS REPAIR EMERGENCY AND AUTHORIZE THE CITY ENGINEER TO OBTAIN A CONTRACT TO THE REPAIR THE EMERGENCY WITHOUT ADVERTISEMENT. The following resolution was introduced by Councilmember Daves.

RESOLUTION: 21-842-2023

Sponsored by: Mayor Stimpson

WHEREAS, Code of Alabama 1975, Section 39-2-2 (e) provides an exception to the requirement for the advertisement of public works contracts in case of "emergency affecting public health, safety, or convenience which would result from delay"; and

WHEREAS, the City Engineer has determined that there is an emergency drainage repair issue wherein excessive rains and ground water have undermined the roads base causing an asphalt failure at a location on Grenadier Court in the Windsor Subdivision in District 6. There is a need for immediate repair. There is a potential risk of damage to property and persons and jeopardize the health and safety of the public.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that pursuant to Section 39-2-2 (e) of the Code of Alabama, 1975, that, as of July 31, 2023, at 8:00 a.m., a public works “emergency affecting public health, safety or convenience” has existed as stated above warranting immediate remedial action.

BE IT FURTHER RESOLVED that the City Engineer is authorized to obtain a public works contract for the repair and remediation of the above emergency without advertisement.

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

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

Nays: None

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

CIP RESOLUTIONS BEING INTRODUCED

APPROVE PURCHASE ORDER TO GRAYBAR ELECTRIC CO., INC. FOR TRAFFIC SIGNAL LED LIGHTS, VISOR AND CABLES FOR VARIOUS CIP PROJECTS; \$155,149.97. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-817-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>11902,</u> <u>11908,</u> <u>11911,</u> <u>11915</u>	2023	(2060) TRAFFIC ENGINEERING	TRAFFIC SIGNALS, LED LIGHTS, VISORS, AND CABLES FOR VARIOUS CIP PROJECTS FOR TRAFFIC ENGINEERING (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$155,149.97	<u>(075199)</u> <u>GRAYBAR</u> <u>ELECTRIC CO INC</u>

AUTHORIZE APPROVAL FOR CHANGE ORDER WITH CHRIS BREWER CONTRACTING, INC. FOR HILLWOOD ROAD SIDEWALK PROJECTS; \$70,000.00 INCREASE. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-818-2023

Sponsored by: Mayor Stimpson and Councilmember Daves

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, Change Order No. 1 to the contract,

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by and between the City of Mobile and the company listed below, for work as outlined in the Change Order attached hereto and made a part hereof as set forth in full, subject to the company signing the Change Order. A copy of said executed Change Order will be on file in the office of the City Clerk.

Name of Company: Chris Brewer Contracting, Inc.

Project Name: Hillwood Rd. Sidewalk Project
City of Mobile Project No. 2023-3005-07
Change Order No. 1

Estimated Cost: \$70,000.00

AUTHORIZE CONTRACT WITH JAMES H. ADAMS & SON CONSTRUCTION CO. FOR 2023 CIP MISCELLANEOUS DRAINAGE REPAIRS, GROUP A; \$944,444.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-836-2023

Sponsored by: Mayor Stimpson and Councilmembers Carroll, Small, Reynolds, District 6, and Gregory

WHEREAS bids for drainage repairs for districts 2,3,4,6 and 7 were received and opened on June 21, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from James H. Adams & Son Construction Co., in the amount of \$944,444.00.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by James H. Adams & Son Construction Co,

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

Name of Company: James H. Adams & Son Construction Co.

Project Name: 2023 CIP Miscellaneous Drainage Repairs Group A
(D#2,3,4,6&7)

Project Number: 2023-3005-08

Amount: \$944,444.00

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AGREEMENT BETWEEN THE CITY AND ALABAMA DEPARTMENT OF TRANSPORTATION FOR ZEIGLER BLVD., FROM ATHEY ROAD TO FOREST HILL DRIVE; \$18,299,308.65. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 01-819-2023

Sponsored by: Mayor Stimpson and Councilmember Gregory

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,

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respectively, for and on behalf of the City of Mobile, a construction agreement, by and between the City of Mobile and Alabama Department of Transportation, for work as outlined in the agreement attached hereto and made a part hereof as set forth in full. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: Alabama Department of Transportation

Project Name: Zeigler Boulevard from Athey Road to Forrest Hill Drive
Mobile County STPMB-7550 (600)

Estimated Total Cost: \$18,299,308.65

Estimated City Funds: \$3,639,254.42

ACCEPT FUNDS FROM THE VILLAGE OF SPRING HILL, INC. FOR HILLWOOD ROAD SIDEWALKS; \$70,000.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 04-820-2023

Sponsored by: Mayor Stimpson and Councilmember Daves

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOBILE, ALABAMA, that sum of \$70,000.00 appropriated by The Village of Spring Hill, Inc. for the Hillwood Project a sidewalk project in the City of Mobile be accepted and allocated to Hillwood Road Project 2023-3005-07.

APPROVE PURCHASE ORDER TO KUCERA INTERNATIONAL, INC. FOR GIS BASE MAP UPDATE SERVICES; \$33,250.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-821-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12137</u>	2023	(5010) GEOGRAPHIC INFO SYSTEMS	GIS BASE MAP UPDATE SERVICES (PROFESSIONAL SERVICE, GIS RFP)	\$33,250.00	<u>(298600)</u> <u>KUCERA</u> <u>INTERNATIONAL</u> <u>INC</u>

APPROVE PURCHASE ORDER TO CHARGEPOINT, INC. FOR ANNUAL RENEWAL OF ELECTRIC VEHICLE CHARGING STATION SOFTWARE AND SUPPORT SERVICES; \$16,500.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-822-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to execute, for and on behalf of the City of Mobile, a purchase order

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to the indicated vendor in the approximate amount stated, and to approve the supporting bid award if required, for the following requisition as indicated below and attached herein:

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12347</u>	2023	(2300) ADMINISTRATIVE SERVICES	ANNUAL RENEWAL OF ELECTRIC VEHICLE CHARGING STATION SOFTWARE AND SUPPORT SERVICES (SOLE SOURCE UNDER CURRENT CONTRACT WHEN CHARGING STATIONS TRANSFERRED TO CITY FROM ALA POWER)	\$16,500.00	(296780) <u>CHARGEPOINT INC</u>

APPROVE PURCHASE ORDER TO ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR ANNUAL MAINTENANCE FOR MAPPING SOFTWARE FOR GIS; \$103,380.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-823-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12718</u>	2023	(5010) GEOGRAPHIC INFO SYSTEMS	ANNUAL MAINTENANCE FOR ARCGIS MAPPING SOFTWARE FOR GIS (SOLE SOURCE)	\$103,380.00	(50080) <u>ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE INC</u>

APPROVE PURCHASE ORDER TO DEERE & COMPANY FOR 4 JOHN DEERE UTILITY TRACTORS FOR PARKS DEPARTMENT; \$252,830.04. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-824-2023

Sponsored by: Mayor Stimpson

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

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Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12612, 12808</u>	2023	(2034) ATHLETICS, (2050) FLEET MANAGEMENT-GARAGE	FOUR JOHN DEERE 5095M UTILITY TRACTORS FOR PARKS DEPARTMENT (ALABAMA STATE CONTRACT)	\$252,830.04	<u>(295477) DEERE & COMPANY</u>

APPROVE PURCHASE ORDER TO SANSOM EQUIPMENT CO., INC. FOR REAR LOAD GARBAGE TRUCK ON PETERBILT CHASSIS; \$221,839.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-825-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12557</u>	2023	(2050) FLEET MAINTENANCE-GARAGE	20YD NEW WAY COBRA REAR LOAD GARBAGE TRUCK ON PETERBILT CHASSIS FOR SANITATION DEPT (OMNIA SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$221,839.00	<u>(190715) SANSOM EQUIPMENT CO INC</u>

APPROVE PURCHASE ORDER TO BEST PRICE SERVICES, LLC FOR CLEARING OF STORM DITCHES, CODY TO UNIVERSITY, ZEIGLER TO OLD SHELL; \$575,000.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-826-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12742</u>	2023	(2086F) FLOOD CONTROL	CLEAR STORM DITCHES: CODY TO UNIVERSITY, ZIEGLER TO OLD SHELL, FOR PUBLIC SERVICES (SEALED BID 5809)	\$575,000.00	<u>(292420) BEST PRICE SERVICES LLC</u>

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APPROVE PURCHASE ORDER TO TOTER, LLC FOR GARBAGE CART LIDS, WHEELS, AND HINGES; \$79,650.16. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-827-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12707</u>	2023	(2090B) GARBAGE COLLECTION	GARBAGE CART LIDS, WHEELS, AND HINGES FOR GARBAGE COLLECTION (OMNIA NATIONAL IPA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$79,650.16	<u>(205975) TOTER LLC</u>

APPROVE PURCHASE ORDER TO NORTH AMERICAN FIRE EQUIPMENT CO., INC. FOR FIRE HOSE AND REPLACEMENTS FOR MFRD; \$26,360.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-828-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12181</u>	2023	(1510) FIRE ADMINISTRATION	REPLACEMENT 1.75IN, 2.5IN, AND 5IN FIRE HOSE FOR MFRD (NPP GOV COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$26,360.00	<u>(149290) NORTH AMERICAN FIRE EQUIPMENT CO INC</u>

APPROVE PURCHASE ORDER TO CLASSIC PAINT & BODY, INC. FOR REPAIR DAMAGE TO CHEVROLET TAHOE; \$17,995.35. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-829-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12076</u>	2023	(2050) FLEET MANAGEMENT - GARAGE	REPAIR WRECK DAMAGE TO 2021 CHEVROLET TAHOE (SEALED BID 5825)	\$17,995.35	<u>(294881) CLASSIC PAINT & BODY INC</u>

APPROVE PURCHASE ORDER TO JACOBS TECHNOLOGY, INC. FOR ELECTRONIC EQUIPMENT AND INSTALLATION FOR MPD CYBER; \$161,040.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-830-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>12486</u>	2023	(1545) POLICE CYBER DIVISION	ELECTRONIC EQUIPMENT AND INSTALLATION FOR MPD CYBER (SECURITY EXEMPT AL CODE 41-16-51(A)(15))	\$161,040.00	<u>(297478) JACOBS TECHNOLOGY, INC</u>

APPROVE PURCHASE ORDER TO 1 SOURCE POWER & EQUIPMENT FOR TILT TRAILER FOR FACILITIES MAINTENANCE DEPARTMENT; \$37,315.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 08-831-2023

Sponsored by: Mayor Stimpson

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

Requisition	Fiscal Year	Department	Description	Amount	Vendor
<u>10463</u>	2023	(F7000) MOTOR POOL	30FT 22.5-TON TILT TRAILER FOR FACILITY MAINTENANCE (SEALED BID 5820)	\$37,315.00	<u>(295928) 1 SOURCE POWER & EQUIPMENT</u>

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AUTHORIZE CONTRACT WITH VOLKERT, INC. FOR PROFESSIONAL SERVICES AT HEREOS PLAZA; \$148,914.35. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-832-2023

Sponsored by: Mayor Stimpson and Councilmember Carroll

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

Name of Company: VOLKERT, INC.

Project Name: HEROES PARK PROFESSIONAL SERVICES (CONSULTANT)

Project Number: PR-022-22

Amount: \$148,914.35

AUTHORIZE CONTRACT WITH LEXISNEXIS DESK OFFICER REPORTING SYSTEM; \$63,900.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-834-2023

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Mayor and City Clerk be, and they hereby are, authorized to execute and attest, respectively, for and on behalf of the City of Mobile, a contract, by and between the City of Mobile and LexisNexis Coplogic Solutions, Inc., for two years, renewable for one additional year without further Council approval required, for \$63,900.00, for Desk Officer Reporting System citizen online incident reporting software and services for the Mobile Police Department, as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the Office of the City Clerk.

AUTHORIZE 3-YEAR SERVICE CONTRACT WITH FIRE & SAFETY COMMODITIES, INC. FOR FIRE EXTINGUISHER INSPECTION, SERVICING, AND MAINTENANCE AT VARIOUS CITY LOCATIONS; \$57,135.00 TOTAL. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-835-2023

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: VOLKERT, INC.

Project Name: HEROES PARK PROFESSIONAL SERVICES (CONSULTANT)

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Project Number: PR-022-22

Amount: \$148,914.35

AUTHORIZE 3-YEAR SERVICE CONTRACT WITH PROFESSIONAL FIRE PROTECTION SERVICES, LLC FOR FIRE SUPPRESSION SYSTEMS INSPECTIONS AT VARIOUS CITY LOCATIONS; \$28,660.00 TOTAL. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-837-2023

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: PROFESSIONAL FIRE PROTECTION SERVICES, LLC

Project Name: 3-YEAR SERVICE CONTRACT -
FIRE SUPPRESSION SYSTEMS INSPECTIONS @
VARIOUS CITY OF MOBILE LOCATIONS

Project Number: SC-021-23

Amount: **\$28,660.00 COMBINED TOTAL**

\$8,830.00	FIRST YEAR ONLY
\$9,890.00	SECOND YEAR ONLY
\$9,940.00	THIRD YEAR ONLY

AUTHORIZE CONTRACT WITH GEOTECHNICAL ENGINEERING TESTING, INC. TO ADMINISTER THE CONSTRUCTION, GEOTECHNICAL/MATERIALS TESTING OF THE THREE MILE CREEK GREENWAY TRAIL; \$23,828.00. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 21-841-2023

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, 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. A copy of said executed agreement will be on file in the office of the City Clerk.

Name of Company: Geotechnical Engineering Testing, Inc.

Project Name: Three Mile Creek Greenway Trail – 6N
COM Project No. 2022-2045-02

Cost: \$23,828.00

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; BLACKWELL. The following resolution was held over for one week until the regular meeting of August 8, 2023.

RESOLUTION: 60-838-2023

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Sponsored by: Mayor Stimpson

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

CALL FOR PUBLIC HEARINGS

**CALL FOR PUBLIC HEARING TO MODIFY A PLANNED UNIT DEVELOPMENT
LOCATED AT 2970 MCVAY DRIVE NORTH AND 3030 MCVAY DRIVE NORTH
(SCHEDULED FOR AUGUST 29, 2023) (DISTRICT 3).**

RESOLUTION: 41-839-2023

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

Notice of Public Hearing for the Proposed Modification of a Planned Unit Development located at 2970 McVay Drive North and 3030 McVay Drive North.

Pursuant to Resolution of the Mobile, Alabama City Council adopted September 6, 2022, a public hearing will be held on the 29th day of August, 2023, at 10:30 a.m., to consider adoption of an ordinance for the proposed modification of a Planned Unit Development located at 2970 McVay Drive North and 3030 McVay Drive North.

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

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

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

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, GRADY AOTOMOTIVE SUBDIVISION AS RECORDED IN MAP BOOK 123 PAGE 15, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE SOUTHWARDLY ALONG THE EAST LINE OF MCVAY DRIVE AND ALONG THE ARC OF A 2873.05 FOOT RADIUS CURVE TO THE RIGHT 359.01 FEET (CHORD BEARS SOUTH 22°-07'-29" EAST 358.78 FEET) TO THE P.T. THEREOF; THENCE SOUTH 18°-30'-18" EAST AND CONTINUING ALONG THE EAST LINE OF MCVAY DRIVE 303.84 FEET; THENCE NORTH 71°-25'-25" EAST 0.40 FEET; THENCE SOUTH 18°-35'-31" EAST 24.37 FEET; THENCE NORTH 71°- 29'-42" EAST 38.55 FEET; THENCE NORTH 18°-30'-18" WEST 101.83 FEET; THENCE NORTH 71°-30'-37" EAST 629.88 FEET; THENCE SOUTH 06°-21'-56" EAST 599.19 FEET TO THE P.C. OF A 7.50 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTWARDLY ALONG THE ARC OF SAID CURVE 8.01 FEET TO THE P.T. THEREOF; THENCE SOUTH 54°-51'-39" WEST 28.33 FEET TO THE P.C. OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE

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SOUTHWESTWARDLY, SOUTHWARDLY, AND SOUTHEASTWARDLY ALONG THE ARC OF SAID CURVE 144.07 FEET TO THE P.T. THEREOF (CHORD BEARS SOUTH 13°-55°-40" EAST 111.87 FEET); THENCE SOUTH 82°-42'-58" EAST 47.85 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, MCGOWIN NORTH SUBDIVISION, UNIT THREE AS RECORDED IN INSTRUMENT NO. 2019033376, PROBATE COURT RECORDS, MOBILE COUNTY, ALABAMA; THENCE NORTH 51°-08'-43" EAST 52.97 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE NORTH 06°-21'-56" WEST ALONG THE EAST LINE OF LOT 1 A DISTANCE OF 651.66 FEET; THENCE NORTH 06°-18'-08" WEST 354.88 FEET TO A CORNER OF LOT 2, GRADY AUTOMOTIVE SUBDIVISION; THENCE SOUTH 85°-30'-13" WEST 152.27 FEET; THENCE NORTH 11°-28'-22" WEST 370.52 FEET TO A CORNER OF LOT 2 ON THE WEST LINE OF MCMAE DRIVE; THENCE NORTHWARDLY ALONG SAID WEST LINE AND ALONG THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT 45.19 FEET TO THE P.T. THEREOF; THENCE NORTH 04°-33'-58" WEST ALONG THE WEST LINE OF MCMAE DRIVE 102.75 FEET TO THE P.C. OF A 99.24 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWARDLY ALONG THE ARC OF SAID CURVE 51.98 FEET TO THE P.T. THEREOF; THENCE NORTH 34°-34'-26" WEST 9.60 FEET TO THE NORTHEAST CORNER OF LOT 2, GRADY AUTOMOTIVE SUBDIVISION; THENCE WESTWARDLY ALONG THE NORTH LINE OF LOT 2 AS FOLLOWS: THENCE SOUTH 66°-49'-45" WEST 331.14 FEET; THENCE SOUTH 06°-35'-40" EAST 200.79 FEET; THENCE SOUTH 83°-22'-54" WEST 79.96 FEET; THENCE SOUTH 54°-47'-20" WEST 304.75 FEET TO THE POINT OF BEGINNING.

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

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

1. Revision of the site plan to ensure that parking and access aisles on Lot A impacted by the property line relocation remain compliant with UDC requirements;
2. Revision of the site plan to label each lot with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
3. Retention of the right-of-way widths of McVay Drive North and McMAe Drive as depicted on the site plan;
4. Retention of the 25-foot minimum building setback line along McVay Drive North;
5. Revision of the site plan to label the 25-foot minimum building setback line along McMAe Drive;
6. Revision of the site plan to label the 10-foot slope easement along McMAe Drive;
7. Placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
8. Placement of a note on the site plan stating that future proposed development on Lot A will require a Modified PUD;
9. Compliance with all Engineering comments noted in this staff report;
10. Compliance with all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report;
12. Compliance with all Fire Department comments noted in this staff report;

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13. Submittal to and approval by Planning and Zoning of a revised Modified Planned Unit Development site plan (hard copy and pdf prior to signing the Final Plat for the associated subdivision; and,

14. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds at the proposed modification:

Is consistent with all applicable requirements of Chapter 64;

Is compatible with the character of the surrounding neighborhood;

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

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

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

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

Will not be detrimental or endanger the public health, safety or general welfare; and That the proposed modification is in the City's and the larger community's best interests.

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

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

1. Revision of the site plan to ensure that parking and access aisles on Lot A impacted by the property line relocation remain complaint with UDC requirements;
2. Revision of the site plan to label each lot with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
3. Retention of the right-of-way widths of McVay Drive North and McMae Drive as depicted on the site plan;
4. Retention of the 25-foot minimum building setback line along McVay Drive North;
5. Revision of the site plan to label the 25-foot minimum building setback line along McMae Drive;
6. Revision of the site plan to label the 10-foot slope easement along McVay Drive;
7. Placement of a note on the site plan stating that no structure may be placed or constructed within any easement without the permission of the easement holder;
8. Placement of a note on the site plan stating that future proposed development on Lot A will require a Modified PUD;
9. Compliance with all Engineering comments noted in this staff report;
10. Compliance with all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report;
12. Compliance with all Fire Department comments noted in this staff report;

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13. Submittal to and approval by Planning and Zoning of a revised Modified Planned Unit Development site plan (hard copy and pdf) prior to signing the Final Plat for the associated subdivision; and

14. Full compliance with all municipal codes and ordinances.

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

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

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer set the date for the public hearing as August 29, 2023.

ANNOUNCEMENTS

Councilmember Carroll requested that Councilmembers make their appointments to the Downtown Redevelopment Authority on next week.

Councilmember Carroll stated there is a 1998 ordinance that he would like to talk to the administration about concerning floodplains.

Councilmember Penn announced that District 3 community meetings will be starting in October.

Councilmember Reynolds shared that the trip to Mobile's sister city, Ichihara, Japan, was a great success. The purpose of the trip was to celebrate the 30th year anniversary of the sister city relationship between Mobile, Alabama and Ichihara, Japan.

Councilmember Reynolds thanked the Sister City Association, for hosting the trip to Ichihara, Japan.

Councilmember Gregory announced that the Back-to-School event at Friendship Missionary Baptist Church on last Saturday was a big success.

Councilmember Gregory said that the Sandtown community will be hosting a Back-to-School event on Saturday, August 5, 2023, at the Springhill Fire Station at 9:00 a.m.

Councilmember Gregory gave an update about the Zeigler widening project.

Councilmember Daves moved to recess the meeting and reconvene at 12:00 to canvas the votes, which move was seconded by Councilmember Reynolds and the vote was as follows:

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

Nays: None

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:42 a.m.

Gina Gregory, City Council Vice-President, reconvened the meeting at approximately 12:54 p.m.

Lisa C. Lambert, City Clerk, announced the totals for the 2023 Special District 6 Municipal Election.

DECLARE THE RESULTS OF THE DISTRICT 6 SPECIAL MUNICIPAL ELECTION. The following resolution was introduced by Councilmember Reynolds.

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RESOLUTION: 27-840-2023

Sponsored by: Mayor Stimpson

WHEREAS, the District 6 Special Municipal Election was duly and legally held on July 25, 2023, as provided by law; and

WHEREAS, the municipal governing body of the City of Mobile met on this 1st day of August, 2023, a quorum thereof being present at 10:30 a.m., and has canvassed the returns and has ascertained and determined the number of votes received by each candidate, and

WHEREAS, the said municipal governing body has ascertained and determined the result of said election as follows:

<u>COUNCILMEMBER DISTRICT 6</u>	<u>TOTAL VOTES</u>
Kyle Callaghan	1,172
Karla M. DuPriest	113
Linh Hoach	216
Josh Woods	1,800

A copy of the Canvass Printout by machine is attached hereto and made a part hereof as though set forth in full.

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

1. That Josh Woods received a majority of the votes cast for the office of City Council District 6 and is hereby declared duly elected to that office for the term beginning August 8, 2023.

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

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

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

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 12:56 p.m.

Adopted:

COUNCIL PRESIDENT

ASSISTANT CITY CLERK