

MUNICIPAL BUILDING, MOBILE, ALABAMA, JANUARY 23, 2024

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 23, 2024, at 9:00 a.m.

Councilmembers:

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

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

NOTE: Ricardo Woods, City Attorney, stated that it is appropriate for the Council to move into executive session to discuss a matter of pending and/or likely litigation.

Councilmember Daves moved for the Council to move into executive session and reconvene at the regular meeting, which move was seconded by Councilmember Reynolds and the vote was as follows:

Penn: Aye
Carroll: Aye
Small: Aye
Reynolds: Aye
Daves: Aye
Gregory: Aye

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the pre-meeting adjourned into executive session at approximately 9:40 a.m. and to reconvene at the regular meeting as scheduled.

Approved:

COUNCIL PRESIDENT

CITY CLERK

MUNICIPAL BUILDING, MOBILE, ALABAMA, JANUARY 23, 2024

The City Council of the City of Mobile, Alabama, met in the Auditorium of the Government Plaza on Tuesday, January 23, 2024, at 10:30 a.m., for the regular meeting.

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

Councilmember Joel Daves, District 5, offered the invocation.

The Presiding Officer led the Pledge of Allegiance.

Present on Roll Call:

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

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STATEMENT OF RULES BY PRESIDING OFFICER

The Presiding Officer provided an overview of the City Council's Rules of Procedure.

APPROVAL OF MINUES

The minutes from the meetings of January 9 and 16, 2024 were approved as submitted.

COMMUNICATIONS FROM THE MAYOR

Mayor Stimpson reminded citizens that the 2024 Mardi Gras season starts on Friday, January 26, 2024.

Mayor Stimpson introduced Dr. Charlotte Pence as Mobile's first poet laureate.

Mayor Stimpson read a proclamation recognizing Housing First, Inc. for 10 years of service addressing the homeless situation in Mobile.

Mayor Stimpson read a proclamation declaring February 3, 2024 as "Senior Bowl Day" in Mobile recognizing its 75-year anniversary.

Mayor Stimpson announced that Breeze Airways will be flying out of Mobile International Airport starting in April 2024.

NOTE: Council President, C.J. Small presented a proclamation declaring January 2024 as "Human Trafficking Awareness Month" in Mobile.

ADOPTION OF THE AGENDA:

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

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

Nays: None

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

APPEALS

Request of Kendall Hurley for a waiver of the Noise Ordinance at Cathedral Square on March 7, 2024, from 7:00 p.m. – 10:00 p.m. (District 2).

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

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

Nays: None

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

Request of Kendall Hurley for a waiver of the Noise Ordinance at Cathedral Square on March 8, 2024, from 10:00 a.m. – 9:00 p.m. (District 2).

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

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

Nays: None

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

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Request of Kendall Hurley for a waiver of the Noise Ordinance at Cathedral Square on March 9, 2024, from 10:00 a.m. – 8:30 p.m. (District 2).

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

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

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

Request of Kendall Hurley for a waiver of the Noise Ordinance at Cathedral Square on March 10, 2024, from 10:00 a.m. – 5:00 p.m. (District 2).

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

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

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

PRESENTATIONS OF PETITIONS AND OTHER COMMUNICATIONS TO THE COUNCIL

AGENDA ITEMS:

Reggie Hill, 1007 Center Street, Offered comments regarding resolution 21-054, 21-056-01-070, 21-075, and 21-078.

CIP RESOLUTION HELD OVER

AUTHORIZE CONTRACT WITH DORSEY & DORSEY ENGINEERING, INC. FOR 2024 CIP RESURFACING, DISTRICTS 6 & 7; \$350,000.00. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-050-2023

Sponsored by: Mayor Stimpson and Councilmembers Woods and 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, 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: Dorsey & Dorsey Engineering, Inc.

Project Name: 2024 CIP Resurfacing City Council Districts 6 & 7
COM Project # 2024-3005-03

Estimated Cost: \$350,000.00

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Woods and the vote was as follows:

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

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

RESOLUTIONS HELD OVER

APPROVE PURCHASE ORDER TO BUSTER MILES FORD FOR 2 FORD ESCAPE SUVS FOR COMMUNITY HOUSING & DEVELOPMENT; \$59,370.84. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-051-2024

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>1845</u>	2024	(3500) NEIGHBORHOOD DEVELOPMENT	2 FORD ESCAPE SUVS FOR COMMUNITY HOUSING AND DEVELOPMENT (SEALED BID 5855)	\$59,370.84	<u>(298920) BUSTER MILES FORD</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

APPROVE PURCHASE ORDER TO KITCHEN EQUIPMENT & SUPPLY COMPANY FOR SERVING GLASSES AND DISHWASHER RACKS FOR THE CONVENTION CENTER; \$20,521.38. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-052-2024

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>3732</u>	2024	(F6080) CONVENTION CENTER	SERVING GLASSES AND DISHWASHER RACKS FOR CONVENTION CENTER (BELOW BID REQUIREMENT, PRICE QUOTE)	\$20,521.38	<u>(282978)</u> <u>KITCHEN</u> <u>EQUIPMENT &</u> <u>SUPPLY CO</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

APPROVE PURCHASE ORDER TO SHAW CONTRACT FLOORING SERVICES, INC. FOR 2 RAKES AND SPEED CLEAN TURF SWEEPERS FOR PARKS & RECREATION DEPARTMENT; \$28,122.00. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 08-053-2024

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>2353</u>	2024	(2012) PARKS MAINTENANCE	2 REDEXIM BASE RAKES AND SPEED CLEAN TURF SWEEPERS FOR MPRD (SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$28,122.00	<u>(293037) SHAW</u> <u>CONTRACT</u> <u>FLOORING</u> <u>SERVICES INC</u>

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

AUTHORIZE CONTRACT WITH MINNIKIN RESOURCES, INC. FOR REVIEW AND CONSULTATION OF CITY BOARDS AND COMMISSIONS; NTE \$80,000.00. The following resolution which was introduced and read at the regular meeting of January 16,

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2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-054-2024

Sponsored by: Mayor Stimpson

WHEREAS, the City Council and Mayor of the City of Mobile appoint members of multiple boards and commissions which conduct business of the City of Mobile; and

WHEREAS, it is in the public interest that said boards and commissions operate efficiently with guidance, consultation and training from a consultant with expertise on board governance; and

WHEREAS, the City of Mobile seeks to enter into a contract with Minnikin Resources, Inc., not to exceed a total of \$80,000.00, to provide review and consultation regarding the City boards and commissions in order to improve and maximize their efficiency; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, the "Professional Services Contract" with Minnikin Resources, Inc., not to exceed a total of \$80,000.00 in fees and expenses, and further to perform all acts necessary in connection with said Contract, which contract, or one substantially identical thereto, is 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE AMENDMENT TO CONTRACT WITH MOTT MACDONALD ARCHITECTS, INC. FOR THE AFRICATOWN WELCOME CENTER; \$94,500.00. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-055-2024

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. Whereby, the sum of \$94,500.00 will be added to the original contract amount of \$416,224.50. A copy of said contract is on file in the office of the City Clerk.

Name of Company: Mott MacDonald Architects, Inc.

Project Name: Africatown Welcome Center – Engineering & Design

Project Number: CL-036-21

Amount: \$94,500.00 (Additional Amount)

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The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR 2024 MS4, STORM WATER MANAGEMENT PROFESSIONAL SERVICES; \$395,000.00.

The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-056-2024

Sponsored by: Mayor Stimpson and Councilmembers Penn, Carroll, Small, Reynolds, Daves, Woods, and Gregory

BE IT RESOLVED BY THE CITY COUNCIL 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, 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 insurance. A copy of said executed contract will be on file in the Office of the City Clerk.

Name of Company: Michael Baker International, Inc.

Project Name: 2024 MS4, Storm Water Management Professional Services

Project Cost: \$395,000.00

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH AACRC, INC. FOR VETERINARIAN SERVICES, SUPPLIES, AND MEDICINES FOR ANIMAL SERVICES DEPARTMENT; NTE \$450,000.00.

The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-057-2024

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 AACRC, Inc., d/b/a Ark Animal Clinic and Rehab Center, for a period of eighteen months, in an amount not to exceed \$450,000.00, for veterinary services, supplies, and medicines for Animal 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.

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The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH VETERINARY SERVICES WITH DVMIMS, PC, D/B/A TILLMAN'S CORNER VETERINARY HOSPITAL FOR VETERINARY SERVICES, SUPPLIES, AND MEDICINES FOR ANIMAL SERVICES DEPARTMENT; NTE \$90,000.00. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-058-2024

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 DVMIMS, P.C., d/b/a Tillman's Corner Veterinary Hospital, for a period of eighteen months, in an amount not to exceed \$90,000.00 per year, for veterinary services, supplies, and medicines for Animal 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 Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

AUTHORIZE CONTRACT WITH INDUSTRY SERVICES COMPANY INC. FOR FIRE TRAINING TOWER REPAIRS; \$21,500.00. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-059-2024

Sponsored by: Mayor Stimpson and Councilmember Small

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

Name of Company: Industry Services Company, Inc.

Project Name: 2024 Fire Training Tower Repair

Project Number: FD-001-024

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Amount: \$21,500.00

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

AUTHORIZE CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR WESTERN BAYFRONT RESURFACING; \$227,000.00. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 21-060-2024

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 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: Kimley-Horn and Associates, Inc.

Project Name: Western Bayfront Resurfacing
COM Project # 2024-3005-04

Estimated Cost: \$227,000.00

The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

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

AUTHORIZE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS; RITA. The following resolution which was introduced and read at the regular meeting of January 16, 2024, and held over until the regular meeting of January 23, 2024, was called up by the Presiding Officer.

RESOLUTION: 60-061-2024

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 Samuel Argenis Rita, Jr., 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.

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The resolution was read by the City Clerk, whereupon Councilmember Daves moved to adopt the resolution, which was seconded by Councilmember Gregory and the vote was as follows:

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

Nays: None

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

SUSPENSION OF RULES FOR IMMEDIATE CONSIDERATION OF CONSENT RESOLUTIONS BEING INTRODUCED FOR THE FIRST TIME. Councilmember Gregory moved for the suspension of the rules to consider Consent Resolutions 58-063 through 60-066 being introduced for the first time. The motion was seconded by Councilmember Daves, and the vote was as follows:

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

Nays: None

The Presiding Officer declared unanimous consent granted for the items.

CONSENT RESOLUTIONS BEING INTRODUCED

DECLARE WEEDS NOXIOUS, GROPU 1652. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 58-063-2024

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

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

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

SECTION 1: It has been determined by the City Council of Mobile that the weeds growing on the privately owned lots or parcels of land described in Exhibit "A," a copy of which is on file in the Office of the City Clerk and made a part thereof as though set forth in full, known as **Group #1652** 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 **27th day of February, 2024**, 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

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which time all objections will be heard and given due consideration by the City Council of Mobile; and it is directed that there shall be conspicuously posted in front of each parcel of property, a notice headed "NOTICE TO DESTROY WEEDS," such heading to be in words not less than one inch in height and substantially in the form set out in such Act No. 329, approved April 29, 1988.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

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

AUTHORIZE REMOVAL OF WEEDS, GROUP 1651. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 58-064-2024

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

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

WHEREAS, Parcels Nos. 1 through 20 described in the resolution adopted on the 19th day of December 2023, have not been cleared of noxious and dangerous weeds and continue to be public nuisances.

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

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

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

Parcels of real property located in the City of Mobile and more particularly described as Parcels Nos. 1 through 20, as described in the resolution adopted on the 19th day of December, 2023, and entitled: "A RESOLUTION DECLARING WEEDS GROWING UPON THE STREETS OR SIDEWALKS AND UPON PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MOBILE TO BE NOXIOUS OR DANGEROUS AND TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES."

(Lot Cleaning Liens; **Group No.1651** on file in the office of the City Clerk).

SECTION 2. The employees of the City of Mobile assigned to the work required by this resolution are hereby expressly authorized to enter upon such described pieces of property for the purpose of removing the weeds authorized by this resolution to be removed. The owner of any of the above-described pieces of property shall have the right to remove the weeds ordered by this resolution to be removed from this property provided such removal is done prior to the arrival of the employees of the City of Mobile against his

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property by reason of any action taken hereunder. An accurate account of the costs with respect to each piece of property shall be kept by the employees of the City of Mobile covering the costs of removing such weeds in front of or in front of or on each separate lot or parcel of land where the work is done by the City of Mobile or its employees, and promptly thereafter an itemized report in writing shall be made to the City Council showing such costs with respect to each separate lot or parcel of land but before the report is submitted to the City Council a copy of the itemized costs with respect to each such lot or parcel of land shall be posted for at least three days prior to such report on the door of the Council Chamber at the City Hall of Mobile, Alabama, together with a notice of the time when the report will be submitted to the City Council for confirmation.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

DETERMINE AN APPROPRIATION TO HOUSING FIRST, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-065-2024

Sponsored by: Councilmember Gregory

WHEREAS, Councilmember Woods wishes to appropriate **\$1,500.00** to Housing First, Inc., from their discretionary funds; and

WHEREAS, Housing First, Inc., is a Delaware non-profit corporation operating in Alabama and providing 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 Housing First, Inc., will be used to assist with its 10th Annual Project Homeless Connect event on Friday, January 26, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$1,500.00** to Housing First, Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

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DETERMINE AN APPROPRIATION TO HILLSDALE HEIGHTS HOMEOWNERS ASSOCIATION, INC. SERVES A PUBLIC PURPOSE AND APPROVE PAYMENT. The following resolution was introduced by Councilmember Gregory.

RESOLUTION: 60-066-2024

Sponsored by: Councilmember Woods

WHEREAS, Councilmember Gregory wishes to appropriate **\$2,000.00**, and to Hillsdale Heights Homeowners Association, Inc., from her discretionary funds; and

WHEREAS, Hillsdale Heights Homeowners Association, Inc., is an Alabama non-profit corporation which provides a service to the community; and

WHEREAS, the Attorney General of the State of Alabama has opined that 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 Hillsdale Heights Homeowners Association, Inc., will be used to assist with restoring the front entrance of Felhorn Dr., LeFlore Dr., and Fontaine Dr., in refurbishing the front entrance and restoring of the Hillsdale Heights Community Center, which will serve a public purpose benefitting the City of Mobile and its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of **\$2,000.00** to Hillsdale Heights Homeowners Association Inc., for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, and further authorizes execution of a standard form City of Mobile council discretionary fund performance contract with said entity, group or individual for the amount set forth herein.

The resolution was read by the City Clerk, whereupon Councilmember Gregory moved to adopt the resolution, which was seconded by Councilmember Daves and the vote was as follows:

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

Nays: None

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

CIP RESOLUTIONS BEING INTRODUCED

AUTHORIZE PURCHASE ORDER TO GAMETIME FOR PLAYGROUND EQUIPMENT FOR MILL STREET PARK; \$166,874.31. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 08-067-2024

Sponsored by: Mayor Stimpson and Councilmember Penn

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>2266</u>	2024	(3032) ARCHITECTURAL ENGINEERING	PLAYGROUND EQUIPMENT FOR MILL STREET PARK (OMNIA COOPERATIVE PURCHASING AGREEMENT, NOT ON STATE CONTRACT)	\$166,874.31	(289913) <u>GAMETIME</u>

RESOLUTIONS BEING INTRODUCED

AUTHORIZE AMENDMENT TO AGREEMENT WITH LINEAGE LOGISTICS, LLC. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 01-068-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are authorized to execute and attest, respectively, for and on behalf of the City of Mobile, the Amendment to the Project Agreement between the City of Mobile and Lineage Logistics, LLC and Lineage Logistics Services, LLC, which amends the Project Agreement between City of Mobile, Mobile County and Merchants Alabama, LLC dated September 25, 2018 and assigns to Lineage Logistics, LLC. Amendment is attached hereto or one with wording substantially similar, and made apart hereof, as though set forth in full, and to take such further action necessary to effectuate the Agreement. A copy of said Agreement is on file in the office of the City Clerk.

AMENDMENT TO PROJECT AGREEMENT BY AND AMONG THE CITY OF MOBILE, ALABAMA, MOBILE COUNTY, ALABAMA AND MERCHANTS ALABAMA, LLC AND MTC LOGISTICS OF ALABAMA, LLC

THIS AMENDMENT TO PROJECT AGREEMENT (this “Amendment”) is hereby made and entered into by and among THE CITY OF MOBILE, ALABAMA (the “City”), MOBILE COUNTY, ALABAMA (the “County”), LINEAGE LOGISTICS, LLC, and LINEAGE LOGISTICS SERVICES, LLC (Lineage Logistics, LLC and Lineage Logistics Services, LLC shall be referred to herein collectively as the “Company, effective as of _____, 2023. This Amendment amends that certain Project Agreement by and among the City, the County, Merchants Alabama, LLC (predecessor party to the Project Agreement by assignment to Lineage Logistics, LLC, “Merchants”) and MTC Logistics of Alabama, LLC (predecessor by merger with and into Lineage Logistics, LLC, “MTC AL”) dated September 25, 2018, as assigned by that certain Assignment and Assumption Agreement dated April 11, 2022 by and between Merchants and Lineage Logistics, LLC (the “Assignment”) (as assigned, the “Project Agreement”). Capitalized terms used, but not defined herein, shall have the meaning set forth in the Project Agreement.

WITNESSETH:

WHEREAS, a true and correct copy of the Project Agreement is attached hereto as Exhibit A;

WHEREAS, a true and correct copy of the Assignment, as consented to by the City and the County, is attached hereto as Exhibit B;

WHEREAS, pursuant to the Assignment, Merchants sold, assigned, conveyed, transferred, set over and delivered unto Lineage Logistics, LLC all of Merchants’ right, title and interest in and under the Project Agreement and Merchants further delegated to

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Lineage Logistics, LLC all prospective obligations and duties arising under the Project Agreement;

WHEREAS, as a matter of state law as a result of the merger of MTC AL with and into Lineage Logistics, LLC effective January 3, 2023 (the "Merger"), the rights and obligations of MTC AL under the Project Agreement became the rights and obligations of Lineage Logistics, LLC;

WHEREAS, as a result of internal structuring of the Project among the Company and its affiliates, the Company has requested that the Project Agreement be amended to amend the definition of "Company" to include any Approved Related Company (as defined herein) for the purpose of fulfilling the Company's obligations (as to employment, capital investment or otherwise) under the Project Agreement; and

WHEREAS, the City and the County have determined that it is in keeping with the intended terms of the Project Agreement and in the best interest of the City and the County and its citizens, and in the long term will encourage further economic development within the City and the County, to grant the Company's request in the form of this Amendment.

NOW, THEREFORE, in consideration of the foregoing premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby amend the Project Agreement as follows:

1. The first paragraph of the Project Agreement is hereby deleted in its entirety and, in lieu thereof, the following is inserted to read as follows:

THIS PROJECT AGREEMENT (this "Agreement") is made and entered into on this the 25th day of September, 2018 (the "Effective Date"), by and among the CITY OF MOBILE, ALABAMA, an Alabama municipal corporation (the "City"), MOBILE COUNTY, ALABAMA, a political subdivision of the State of Alabama (the "County"), LINEAGE LOGISTICS, LLC, a Delaware limited liability company, and LINEAGE LOGISTICS SERVICES, LLC, a Delaware limited liability company (Lineage Logistics, LLC and Lineage Logistics Services, LLC shall be referred to herein collectively as the "Company"), all of whom may from time to time be referred to herein collectively as a "Party" and collectively as the "Parties." The City and the County may be referred to collectively as the "Governmental Parties."

2. In the Definitions section of the Project Agreement, the definition of "Company" shall be deleted in its entirety and, in lieu thereof, the following is inserted as the new definition of "Company."

Company shall mean Lineage Logistics, LLC, a Delaware limited liability company, and Lineage Logistics Services, LLC, a Delaware limited liability company. "Company" shall also include any Approved Related Company.

3. In the Definitions section of the Project Agreement, a new definition for "Approved Related Company" shall be added and include the following language:

Approved Related Company shall mean the companies identified in Exhibit A.

4. A new Exhibit A to the Project Agreement is added to the end of the Project Agreement as follows:

5. Except as expressly amended or modified in this Amendment, the terms and conditions of the Project Agreement shall remain unmodified and in full force and effect. (signature pages follow)

AUTHORIZE AGREEMENT WITH JOHNATHON AMES TO PROVIDE RACQUET STRINGER SERVICES FOR PARKS & RECREATION DEPARTMENT; NTE \$70,000.00. The following resolution was held over until the regular meeting of January 30, 2024.

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RESOLUTION: 01-069-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement with Johnathon Ames to provide racquet stringer services for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$70,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

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

AUTHORIZE AGREEMENT WITH TAHIR EL-ZARE TO PROVIDE TENNIS LESSONS FOR PARKS AND RECREATION DEPARTMENT; NTE \$80,000.00. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 01-070-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the Mayor and the City Clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the City of Mobile, an Agreement with Tahir El-Zare to provide tennis lessons and clinics for Parks and Recreation Department, compensation for work provided by the contractor will be as provided in the statement of work but in no event shall exceed \$80,000 per year as outlined in the agreement attached hereto and made a part hereof as though set forth in full. A copy of said agreement is on file in the office of the City Clerk.

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

APPROVE ITEM BASED BID FOR NITRILE GLOVES. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 08-071-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF MOBILE, ALABAMA, that the Purchasing Agent is authorized to accept and approve, and issue Purchase Orders against, the below proposed Bid Awards, to the designated vendors for the specified items at the unit prices indicated, for the time periods and renewal options as indicated below and attached herein, and, further, that the Purchasing Agent is authorized to issue said orders without further approval or other action by the City Council. All Bid Awards may be extended at the discretion of the Purchasing Agent for a total award period not to exceed three years.

Bid	Description	Number of Items	Bid Amount	Time/Renewal	Vendor(s)
<u>5860</u>	Nitrile gloves	4	See bid tab	Six months, renewable for five additional six-month periods.	<u>(25406) Bound Tree Medical LLC.</u>

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APPROVE PURCHASE ORDER TO DEERE & COMPANY FOR 8 JOHN DEER MOWERS AND A UTILITY TRACTOR FOR PARKS DEPARTMENT; \$207,417.59. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 08-072-2024

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 requisitions as indicated below and attached herein:

Requisitions	Fiscal Year	Department	Description	Amount	Vendor
<u>2273, 2291</u>	2024	(F7000) MOTOR POOL	8 JOHN DEERE 2970R ZTRAK ZERO-TURN MOWERS AND ONE JOHN DEERE 540M UTILITY TRACTOR WITH LOADER FOR PARKS DEPT (SOURCEWELL COOPERTIVE PURCHASING AGREEMENT AND AL STATE CONTRACT)	\$207,417.59	<u>(295477) DEERE & COMPANY</u>

ALLOCATE FUNDS FROM UNASSIGNED FUND BALANCE IN THE GENERAL FUND TO CAPITAL PROJECT WEST MOBILE COUNTY PARK; \$340,000.00. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 09-073-2024

Sponsored by: Mayor Stimpson

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOBILE, ALABAMA, that the sum of \$340,000.00 be specifically allocated pursuant to Alabama Code Section 11-44C-57 from the Unassigned Fund Balance in the General Fund (Fund 1000) to Capital Improvement Fund (Fund 2000) Capital Project #C0934 West Mobile County Park.

These funds will be appropriated to the County, in accordance with a mutual agreement between the City of Mobile and Mobile County Commissioners to fund design engineering services for the West Mobile County Park.

AUTHORIZE CONTRACT AMENDMENT WITH EMS MANAGEMENT & CONSULTANTS, INC. FOR BILLING SUPPORT SERVICES. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 21-074-2024

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, an amendment to a contract by and between the City of Mobile and EMS Management & Consultants, Inc, dated September 6, 2022, for emergency medical response billing support services, to extend the agreement until July 31, 2027, and to change the fee percentage, as outlined in the contract amendment attached hereto and made a part hereof as

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though set forth in full. A copy of said contract and contract amendment are on file in the Office of the City Clerk.

AUTHORIZE CONTRACT WITH KETOM CONSTRUCTION COMPANY, INC. D/B/A SOUTHERN PRESERVATION SYSTEMS, FOR EMERGENCY REPAIR AND REMEDIATION OF BRICK WALL AT THE CIVIC CENTER; NTE \$286,804.00. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 21-075-2024

Sponsored by: Mayor Stimpson and Councilmember Carroll

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 exterior wall brick issue of the Mobile Civic Center Theater building, 401 Civic Center Drive, facilities, emergency brick façade stabilization and removal. Total collapse is imminent and will cause potential risk of damage to property and persons and jeopardize the health and safety of the public;

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 January 1, 2024, at 2:00 p.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 Deputy Director of Real Estate Asset Management is authorized to obtain a public works contract for the repair and remediation of the above emergency without advertisement; and said Deputy Director desiring to contract with Ketom Construction Company, Inc. d/b/a Southern Preservation Systems, for said repair and remediation in an amount not to exceed \$286,804.00;

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 contract between the City of Mobile and Ketom Construction Company, Inc., d/b/a Southern Preservation Systems attached hereto or one substantially similar, and made a part hereof, as though set forth in full, a copy of which is on file in the office of the City Clerk.

AUTHORIZE CONTRACT WITH WATTIER SURVEYING, INC. FOR SURVEYING SERVICES FOR PUBLIC SAFETY TRAINING CENTER; \$24,000.00. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 21-076-2024

Sponsored by: Mayor Stimpson and Councilmember Reynolds

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: Wattier Surveying, Inc.

Project Name: Public Safety Training Complex – Surveying Services

Project Number: MX-051-22

Amount: \$24,000.00

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AUTHORIZE CONTRACT WITH JAMES B. DONAGHEY, INC. FOR COOLING TOWER REPLACEMENT FOR THE MUSEUM OF ART; \$480,000.00. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 21-077-2024

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, 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: James B. Donaghey, Inc.

Project Name: Mobile Museum of Art – Mechanical Improvements

Project Number: MU-056-23

Amount: \$480,000.00.

AUTHORIZE CONTRACT WITH MCELHENNEY CONSTRUCTION COMPNAY, LLC FOR ANNUAL STORM DRAIN MAINTENANCE; \$906,795.21. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 21-078-2024

Sponsored by: Mayor Stimpson and Councilmembers Penn, Carroll, Small Reynolds, Daves, Woods, and Gregory

WHEREAS, bids for storm drain repairs for districts 1,2,3,4,5,6 and 7 were received and opened on December 20, 2023.

WHEREAS, the City Engineer has recommended award to the lowest bid meeting specifications from McElhenney Construction Co., LLC., in the amount of \$906,795.21.

WHEREAS, the City Council finds that the lowest responsible bid was submitted by McElhenney.

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: McElhenney Construction, LLC

Project Name: MISC Drainage Storm Water Fee (City of Mobile Annual Storm Drain Maintenance

Project Number: 2024-3005-07

Amount: \$906,795.21

GRANT PERMANENT UTILITY EASEMENT TO MOBILE AREA WATER & SEWER SYSTEM FOR MOBILE CIVIC CENTER. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 25-079-2024

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Sponsored by: Mayor Stimpson and Councilmember Carroll

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, One (1) Permanent Utility Easement as needed for the Mobile Civic Center Subdivision, Lot "B", to the BOARD OF WATER AND SEWER COMMISSIONERS of the City of Mobile, Copies of which are attached hereto and made a part hereof as though fully set forth herein.

AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH MOBILE COUNTY COMMISSION FOR DESIGN ENGINEERING SERVICES FOR UPDATES AND IMPROVEMENTS AT WEST MOBILE COUNTY PARK. The following resolution was held over until the regular meeting of January 30, 2024.

RESOLUTION: 01-082-2024

Sponsored by: Mayor Stimpson and Councilmember Woods

WHEREAS, it is beneficial to the City of Mobile and serves a public purpose to provide funding to the Mobile County Commission to provide design engineering services for certain updates and improvements to the West Mobile County Park; and

WHEREAS, the City Council of the City of Mobile believes that it is a good, proper and justifiable use of public resources to enter into an agreement to contribute financial assistance to the Mobile County Commission in furtherance of the above purpose;

NOW, THEREFORE, BE IT RESOLVED that the Mobile City Council hereby finds and determines that an appropriation of \$340,000.00 to the Mobile County Commission, for the purposes described hereinabove serves a public purpose and the Council further approves and directs the payment of same, 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, or one worded substantially similar thereto, 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.

CALL FOR PUBLIC HEARINGS

CALL FOR PUBLIC HEARING TO CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 5041 RANGELINE CROSSING DRIVE (SCHEDULED FOR FEBRUARY 14, 2023) (DISTRICT 4). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-080-2024

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 Previously Approved Planned Unit Development for Property located at 5041 Rangeline Crossing Drive

Pursuant to Resolution of the Mobile, Alabama City Council adopted December 14, 2021, a public hearing will be held on the 14th day of February, 2024, at 10:30 a.m., to consider adoption of an ordinance to modify a previously approved Planned Unit Development for property located at 5041 Rangeline Crossing Drive

The public hearing will be held in the Auditorium of Government Plaza, 205 Government Street, Mobile, Alabama. All persons who desire shall have an opportunity to be heard in favor of or in opposition to the proposed amendment at such time and place. Further, the

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City Council may consider zoning classifications other than the ones sought by the applicant and may take other actions allowed by law.

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

WHEREAS, a Planned Unit Development (PUD) was approved on August 4, 2022 to allow the construction of a new multi-family residential development with multiple structures on a single building site on property located at 5041 Rangeline Crossing Drive and described as follows:

LOTS 6-11, YOGGER PASS PRIVATE ROADWAY, AND COMMON AREAS 1 & 2 AS SHOWN ON THE PLAT OF RANGELINE CROSSING PHASE FOUR, RECORDED IN INSTRUMENT #2021016727 IN THE OFFICE OF THE JUDGE OF PROBATE, MOBILE COUNTY, ALABAMA.

WHEREAS, the owner of said property applied for a Major Modification of a previously approved Planned Unit Development on November 17, 2023 to allow multiple buildings on a single building site.

WHEREAS, the Planning Commission held a public hearing on the requested modification on December 21, 2023 and recommended approval of the Major Modification of the PUD subject to the following conditions:

1. Depiction of the 25' minimum building setback along Halls Mill Road and Rangeline Crossing Drive;
2. Retention of the 40' minimum building setback line along Demetropolis Road;
3. Placement of a note stating that no structures are allowed in any easements without the permission of the easement holder;
4. Retention of the note on the site plan to depict that all trash compactors will be connected to sanitary sewer and have a compliant enclosure;
5. Coordination with staff to ensure tree plantings are spaced appropriately;
6. Provision of a compliant photometric site plan at the time of permitting;
7. Site is limited to three (3) freestanding signs;
8. Provision of a note on the site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
9. Submittal to and approval by Planning and Zoning of the Major Modification of the Planned Unit Development site plan prior to recording in Probate Court, and the provision of a copy of the recorded site plan (hard copy and .pdf) to Planning and Zoning;
10. Compliance with all Engineering comments noted in the staff report for the PUD modification;
11. Placement of a note on the PUD site plan stating the Traffic Engineering comments noted in the staff report, amended as follows: Off-site improvements are required for the development of Lot I. Any changes to the proposed improvements during the development of Lots 2 or 3 may require a revised Traffic Impact Study to be reviewed and approved by Traffic Engineering. Driveway number, size, location, and design are subject to the approved PUD for this site and shall be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code;
12. Compliance with all Urban Forestry comments noted in the staff report;
13. Compliance with all Fire Department comments noted in the staff report; and,
14. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. Is consistent with all applicable requirements of this Chapter;
- B. Is compatible with the character of the surrounding neighborhood;
- C. Will not impede the orderly development and improvement of surrounding property;

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

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

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

G. Shall not be detrimental or endanger the public health, safety or general welfare.

H. Benefits Consideration. In addition, consideration was given to the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request.

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

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

1. Depiction of the 25' minimum building setback along Halls Mill Road and Rangeline Crossing Drive;
2. Retention of the 40' minimum building setback line along Demetropolis Road;
3. Placement of a note stating that no structures are allowed in any easements without the permission of the easement holder;
4. Retention of the note on the site plan to depict that all trash compactors will be connected to sanitary sewer and have a compliant enclosure;
5. Coordination with staff to ensure tree plantings are spaced appropriately;
6. Provision of a compliant photometric site plan at the time of permitting;
7. Site is limited to three (3) freestanding signs;
8. Provision of a note on the site plan stating future development or redevelopment of the property may require approval by the Planning Commission and City Council;
9. Submittal to and approval by Planning and Zoning of the Major Modification of the Planned Unit Development site plan prior to recording in Probate Court, and the provision of a copy of the recorded site plan (hard copy and .pdf) to Planning and Zoning;
10. Compliance with all Engineering comments noted in the staff report for the PUD modification;
11. Placement of a note on the PUD site plan stating the Traffic Engineering comments noted in the staff report, amended as, follows: Off-site improvements are required for the development of Lot 1. Any changes to the proposed improvements during the development of Lots 2 or 3 may require a revised Traffic Impact Study to be reviewed and approved by Traffic. Engineering. Driveway number, size, location, and design are subject to the approved PUD for this site and shall be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code;
12. Compliance with all Urban Forestry comments noted in the staff report;
13. Compliance with all Fire Department comments noted in the staff report; 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 Gregory and the vote was as follows:

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

Nays: None

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as February 14, 2024.

CALL FOR PUBLIC HEARING TO CONSIDER MODIFICATION OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 3220

AIRPORT BOULEVARD (SCHEDULED FOR FEBRUARY 14, 2024) (DISTRICT 5). The following resolution was introduced by Councilmember Daves.

RESOLUTION: 41-081-2024

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 Previously Approved Planned Unit Development for Property located at 3220 Airport Boulevard

Pursuant to Resolution of the Mobile, Alabama City Council adopted December 14, 2021, a public hearing will be held on the 14th day of February, 2024, at 10:30 a.m., to consider adoption of an ordinance to modify a previously approved Planned Unit Development for property located at 3220 Airport Boulevard.

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

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

WHEREAS, a Planned Unit Development (PUD) was approved on January 21, 2021 to allow shared access and parking between multiple building sites for the property located at 3220 Airport Boulevard and described as follows:

LOT 11 OF SPRINGDALE MALL SUBDIVISION AS RECORDED IN MB 104, PG 5 IN THE OFFICE OF THE JUDGE OF PROBATE IN MOBILE COUNTY, ALABAMA

WHEREAS, the owner of said property applied for a major modification of the PUD on June 14, 2023 to allow the construction of a drive-thru coffee shop for an existing mixed-use commercial development in a B-3, Community Business Suburban District.

WHEREAS, the Planning Commission held a public hearing on the requested modification on July 20, 202J and recommended approval of the major modification of the PUD subject to the following conditions:

1. Provision of the required parking calculations on a revised site plan;
2. Provision of a photometric plan at the time of permitting illustrating parking lot lighting will comply with the illumination standards of Section 64-3-9.C, and provision of a note on the site plan stating that the site will comply with Section 64-3-9.C of the UDC;
3. Revision of the site plan to illustrate compliance with the bicycle parking standards of Section 64-3-12.A.9;
4. Revision of the site plan to illustrate compliance with the off-street facilities standards of Section 64-3-12.B;
5. Revision of the site plan to illustrate compliance with the on-site pedestrian safety standards of Section 64-3-3;
6. Provision of a revised tree and landscape plan at the time of permitting illustrating compliance with the City Council's decision, or in compliance with Section 64-3-7;
7. Provision of a note on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13 .A.4. of the UDC;
8. Revision of the site plan to correct the label for the water and sewer easement;

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9. Provision of a note on the site plan stating no structures shall be constructed in any easement without permission from the easement holder;
10. Provision of a note on the site plan stating future development or development of the site may require additional modification of the PUD to be reviewed by the Planning Commission and City Council;
11. Compliance with all Engineering comments noted in the staff report;
12. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
13. Compliance with all Urban Forestry comments noted in the staff report;
14. Compliance with all Fire Department comments noted in the staff report;
15. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
16. Full compliance with all municipal codes and ordinances.

WHEREAS, the City Council finds that the proposed modification:

- A. The request is consistent with all applicable requirements of this Chapter;
- B. The request is compatible with the character of the surrounding neighborhood;
- C. The request will not impede the orderly development and improvement of surrounding property;
- D. The request will not adversely affect the health, safety or welfare of persons living or working in the surrounding neighborhood, or be more injurious to property or improvements in the neighborhood:

1. In making this determination, the Planning Commission and City Council shall consider the location, type and height of buildings or structures, the type and extent of landscaping and screening, lighting, hours of operation or any other conditions that mitigate the impacts of the proposed development; and

2. Includes adequate public facilities and utilities; The request will minimize traffic hazards and traffic congestion on the public roads;

E. The request will minimize traffic hazards and traffic congestion on the public roads;

F. The request is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas;

G. The request shall not be detrimental or endanger the public health, safety or general welfare; and

H. Benefits Consideration. The request will be in the City's and the larger community's best interests.

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

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

1. Provision of the required parking calculations on a revised site plan;
2. Provision of a photometric plan at the time of permitting illustrating parking lot lighting will comply with the illumination standards of Section 64-3-9.C, and provision of a note on the site plan stating that the site will comply with Section 64-3-9.C of the UDC;
3. Revision of the site plan to illustrate compliance with the bicycle parking standards of Section 64-3-12.A.9;
4. Revision of the site plan to illustrate compliance with the off-street facilities standards of Section 64-3-12.B;
5. Revision of the site plan to illustrate compliance with the on-site pedestrian safety standards of Section 64-3-3;
6. Provision of a revised tree and landscape plan at the time of permitting illustrating compliance with the City Council's decision, or in compliance with Section 64-3-7;
7. Provision of a note on the site plan stating any dumpster placed on the property must meet the enclosure and placement standards of Section 64-3-13.A.4. of the UDC;
8. Revision of the site plan to correct the label for the water and sewer easement;

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9. Provision of a note on the site plan stating no structures shall be constructed in any easement without permission from the easement holder;
10. Provision of a note on the site plan stating future development or development of the site may require additional modification of the PUD to be reviewed by the Planning Commission and City Council;
11. Compliance with all Engineering comments noted in the staff report;
12. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in the staff report;
13. Compliance with all Urban Forestry comments noted in the staff report;
14. Compliance with all Fire Department comments noted in the staff report;
15. Submittal to and approval by Planning and Zoning of the revised Modified Planned Unit Development site plan prior to its recording in Probate Court, and provision of a copy of the recorded site plan (hard copy and .pdf) to Planning and Zoning; and,
16. 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 Gregory and the vote was as follows:

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

The vote was then announced whereupon the Presiding Officer set the date for the public hearing as February 14, 2024.

ANNOUNCEMENTS

Councilmember Penn said that “Mothers Involved Against Gun Violence” will have a meeting tonight at the Kiwanis Boys and Girls Club at 6:00 p.m.

Councilmember Woods expressed his excitement concerning multiple resolutions approved today that will directly improve several locations in District 6.

Councilmember Gregory stated that a Public Safety committee meeting will be held today in the pre-council conference room at 1:00 p.m.

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

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

The vote was then announced by the City Clerk, whereupon the Presiding Officer declared the regular meeting adjourn at approximately 11:10 p.m.

Adopted:

COUNCIL PRESIDENT

CITY CLERK