

TUSCALOOSA CITY COUNCIL MEETING AGENDA

Tuesday, November 21, 2023

1. CALL TO ORDER: 6:00 p.m.

Council Prayer: Dear God, bless our proceedings today. Give us wisdom to know what is just and the strength to do what is right. Amen.

Pledge of Allegiance: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

2. APPROVAL OF MINUTES

Council President Pro Tem: As the Council has received a synopsis of the previous meeting, I move that we dispense with the reading of the minutes of the same unless there are any deletions, additions, or corrections.

3. PROCLAMATIONS AND STATEMENTS BY MAYOR AND COUNCIL

Mayor Announcements

Department Announcements

4. AGENDA ITEM COMMENTS BY CITIZENS

Citizens are encouraged to sign in with the City Clerk in order to assure that their comments related to a specific agenda item are received prior to consideration by the City Council. Speakers are limited to five (5) minutes each.

5. UNFINISHED BUSINESS

Ordering demolition of the structure at 1330 26th Street (**tabled on 10-17-23, 8-8-23, 5-9-23,-2-7-23, 12-6-22, and 8-30-22**). PP5-6

Ordering demolition of the structure(s) at 932-934 39th Avenue East (**tabled on 9-12-23, 7-11-23, 5-9-23, 4-4-23, 1-31-23, 11-1-22, and 8-30-22**). PP7-9

Approving the ABC application of PopStroke Tuscaloosa LLC for an alcohol license at PopStroke in Tuscaloosa; 680 Harper Lee Drive, Tuscaloosa, AL, 35404: (**tabled on 11-7-23**)

➤ **23-093** special retail- more than 30 days **P10**

Council Committee Reports

Clerk's Report of Mayor's Veto

6. **CONSENT AGENDA:** (items "a through d") All matters listed on the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion and vote. There will be no separate debate, amendment, or substitution of these items. If the same is desired by the Mayor

and/or any member of the Council, upon request made on the record, that item will be removed from the Consent Agenda and considered separately under the regular Order of Business.

- a. Declaring property surplus and authorizing its disposal. **P11**
- b. Authorizing request for street lighting system modifications. **P12**
- c. Awarding competitive bid(s) for the purchase, etc. of Hypochlorite Storage Tanks; Morrow Water Technologies; total: \$56,995.00 (Bid No. 9045-110323-1). **P13**
- d. Awarding competitive bid(s) for the purchase, etc. of Full Size SUV; Hendrick Chevrolet; total: \$76,176.50 (Bid No. 5010-111623-1). **P14**

7. PUBLIC HEARINGS

Approving the ABC application of Social Oak and Nursery LLC for alcohol licenses at Social Oak and Nursery; 5318 Rice Mine Road NE, Tuscaloosa, Alabama 35406:

- **23-094(a)** retail beer (on or off premises). **P15**
- **23-094(b)** retail table wine (on or off premises). **P16**

Approving the ABC application of Rolfs Inc. for alcohol licenses at Rolfs's Café and Bistro; 2324 4th Street, Tuscaloosa, Alabama 35401:

- **23-095(a)** retail beer (on or off premises). **P17**
- **23-095(b)** retail table wine (on or off premises). **P18**

Granting tentative approval of Cypress Creek Cove, a planned unit development (P-04-23/OCA-23-1467). **P19**

8. RESOLUTIONS AND ORDINANCES NOT OF A GENERAL NATURE OR PERMANENT OPERATION

Authorizing an Amphitheater naming rights sponsorship contract with Mercedes-Benz U.S. International, Inc. (A22-1044). **P20**

Authorizing execution of an agreement with the Alabama Department of Economic and Community Affairs for the program year 2023 Emergency Solutions Grants Program (OCA-23-1628). **P21**

Tentatively awarding a public works contract to Inliner Solutions, LLC for Phase Two 2023 CMP Lining Project; total: \$273,710.00 (OCA-23-1135). **PP22-23**

Authorizing a professional engineering services contract with Garner & Associates Engineering; total not to exceed: \$683,500.00 (OCA-23-1324/ W&S#2024.703.001). **P24**

Tentatively awarding a public works contract to Taylor Electrical Contractors, Inc. for University Boulevard East – Alberta Bridge Lighting Project; total: \$584,992.40 (OCA-23-1323/2022.028.001). **PP25-26**

Authorizing a minor public works contract with Olympia Sprinkler Installation, Inc.; total: \$7,330.00 (OCA-23-1530). **P27**

Authorizing a minor public works contract with Southern Heating & Cooling, LLC for a replacement heat pump at Hillard Fletcher Wastewater Facility; total: \$8,475.00 (OCA-23-1525). **P28**

Authorizing a minor public works contract with Southern Heating & Cooling, LLC for installation of a hot water pump at TPD; total: \$2,175.00 (OCA-23-1571). **P29**

Authorizing a minor public works contract with Chip Griffith Construction Co.; total: \$3,800.00 (OCA-23-1468). **P30**

Authorizing a minor public works contract for as-needed electrical services with Taylor Electrical, Inc.; total: not to exceed \$12,000.00 (OCA-23-1547). **P31**

Authorizing minor public works contract for as-needed services with Hughes & Mullenix; total: not to exceed \$30,000.00 (OCA-23-1553). **P32**

Authorizing minor public works contract for as-needed carpentry and painting services with JT Contracting, LLC; total: not to exceed \$15,000.00 (OCA-23-1561). **P33**

Authorizing minor public works contract for as-needed carpentry and painting services with Paints on Us Plus; total: not to exceed \$35,000.00 (OCA-23-1567). **P34**

Authorizing minor public works contract for as-needed plumbing services with John Wayne Plumbing & Drain Service; total: not to exceed \$50,000.00 (OCA-23-1568). **P35**

Authorizing minor public works contract for as-needed electrical services with Premier Service Company, Inc.; total: not to exceed: \$12,000.00 (OCA-23-1569). **P36**

Authorizing minor public works contract for as-needed pressure washing services with Richey Quality Cuts; total: not to exceed \$24,000.00 (OCA-23-1570). **P37**

Providing informed consent regarding representation pursuant to Rule 1.7 of the Rules of Professional Conduct of the Alabama State Bar (A16-0466). **PP38-39**

Authorizing disbursement from District 4 improvement funds for the Campus Veteran Association Iron Ruck event; total: \$700.00 (OCA-23-1600). **P40**

Establishing the Legislative Agenda of The City of Tuscaloosa for the 2024 session of the Alabama legislature (OCA-23-1597). **PP41-46**

Authorizing Amendment 2 to the Fiscal year 2024 Water and Sewer Reserve for Future Improvements Fund Budget (A07-0203/ A98-0431). **PP47-48**

Approving job class specifications for Park Ranger (OCA-23-1558). **P49**

If necessary, Council rules of procedure will be suspended at this time.

9. ORDINANCES AND RESOLUTIONS OF A GENERAL NATURE OR PERMANENT OPERATION

FOR INTRODUCTION

Authorizing Amendment 2 to the Fiscal Year 2024 general Fund Budget (A22-1037) **(may be adopted by unanimous consent following introduction). P50**

Authorizing Amendment 3 to the 2024 Elevate Tuscaloosa Fund Budget (A23-1516) **(may be adopted by unanimous consent following introduction). P51**

Amending exhibits "A" and "B" of section 19-42/19-60(a) of the Code of Tuscaloosa; Park Ranger (OCA-23-1557) **(may be adopted by unanimous consent following introduction). P52**

Authorizing the issuance, execution, sale, and delivery of \$4,000,000 maximum principal amount General Obligation Warrant of the City of Tuscaloosa and the payment thereof **(may be finally adopted following introduction and unanimous consent). PP53-73**

Reappointing members to the Tuscaloosa Metro Animal Shelter Advisory Committee **(may be adopted by unanimous consent following introduction). P74**

FOR ADOPTION

10. AUDITING ACCOUNTS

Authorizing the payment of bills; total: \$59,530.52 **P75**

11. CITIZEN'S COMMENTS AND OTHER COMMUNICATIONS

12. EXECUTIVE SESSION

13. POLICY IMPLEMENTATION

Mayor: Subject to the exercise of mayoral veto on ordinances of a general nature or permanent operation, all applicable departments are hereby ordered to otherwise implement council policy this date enacted.

14. ADJOURN

11/17/2023

Brandy P. Johnson
City Clerk



Following each item of business is the page number of the item as it appears in the full agenda presented to council members. Should you have questions about a particular item, you may contact the Office of the City Clerk at (205) 248-5010 or by email to cityclerk@tuscaloosa.com. Please refer to the page number of the item in question so it can be more quickly accessed.

RESOLUTION

RESOLUTION ORDERING DEMOLITION OF
THE STRUCTURE AT 1330 26th STREET

WHEREAS, pursuant to Ala. Code Section 11-53B-1 et seq. (1975), the appropriate municipal official of the City of Tuscaloosa has found that the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa at 1330 26th Street is unsafe to the extent that it is a public nuisance; and,


WHEREAS, all appropriate notifications and time periods, as stated in said statute, have been complied with by the appropriate municipal official in the person of the Chief Building Official with the Urban Development-Building Inspections Department for the City of Tuscaloosa; and,


WHEREAS, on the 30th day of August, 2022, the City Council of Tuscaloosa held a public hearing, at which time the Chief Building Official of the Urban Development-Building Inspections Department for the City of Tuscaloosa appeared and set forth reasons for his findings.

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

1. That the City Council of Tuscaloosa finds the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa 1330 26th Street unsafe to the extent that it is a public nuisance; and,
2. That the aforementioned building, structure, part of the building or structure, party wall, or foundation, is hereby ordered demolished, pursuant to the terms and conditions of Ala. Code Section 11-53B-1 et seq. (1975), such action being an exercise of the City's police and/or regulatory powers.

Tabled until Nov. 21
on 10/17/23 (Tyl/C - 4) days on 8/8/23
(10/10/23) W/B


City Clerk


City Clerk

Prepared: Assistant City Clerk
Requested: Urban Development-Building Inspections
Agenda: 8-30-2022

RESOLUTION

RESOLUTION ORDERING DEMOLITION OF
THE STRUCTURE AT 1330 26th STREET

WHEREAS, pursuant to Ala. Code Section 11-53B-1 et seq. (1975), the appropriate municipal official of the City of Tuscaloosa has found that the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa at 1330 26th Street is unsafe to the extent that it is a public nuisance; and,

WHEREAS, all appropriate notifications and time periods, as stated in said statute, have been complied with by the appropriate municipal official in the person of the Chief Building Official with the Urban Development-Building Inspections Department for the City of Tuscaloosa; and,

WHEREAS, on the 30th day of August, 2022, the City Council of Tuscaloosa held a public hearing, at which time the Chief Building Official of the Urban Development-Building Inspections Department for the City of Tuscaloosa appeared and set forth reasons for his findings.

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

1. That the City Council of Tuscaloosa finds the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa 1330 26th Street unsafe to the extent that it is a public nuisance; and,
2. That the aforementioned building, structure, part of the building or structure, party wall, or foundation, is hereby ordered demolished, pursuant to the terms and conditions of Ala. Code Section 11-53B-1 et seq. (1975), such action being an exercise of the City's police and/or regulatory powers.

Tabled for 90 days on 5-9-23 (City/H-y); Item will be heard on 8-8-23

*BTM
City Clerk
Tabled for 90 days on 2/7/23 (5/9/23) (W/B-y) (L-Absent)
BTM City Clerk*

*Tabled for 60 days on 12-6-22 (2-7-23) (L/W; F-absent)
BTM
City Clerk*

*Tabled for 90 days on 8/30/22 (12/6/22) (H/Ty-y)
BTM
City Clerk*

Prepared: Assistant City Clerk
Requested: Urban Development-Building Inspections
Agenda: 8-30-2022

RESOLUTION

RESOLUTION ORDERING DEMOLITION OF
THE STRUCTURE(S) AT 932-934 39th AVENUE EAST

WHEREAS, pursuant to Ala. Code Section 11-53B-1 et seq. (1975), the appropriate municipal official of the City of Tuscaloosa has found that the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa at 932-934 39th Avenue East is unsafe to the extent that it is a public nuisance; and,

WHEREAS, all appropriate notifications and time periods, as stated in said statute, have been complied with by the appropriate municipal official in the person of the Chief Building Official with the Urban Development-Building Inspections Department for the City of Tuscaloosa; and,

WHEREAS, on the 30th day of August, 2022, the City Council of Tuscaloosa held a public hearing, at which time the Chief Building Official of the Urban Development-Building Inspections Department for the City of Tuscaloosa appeared and set forth reasons for his findings.

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

1. That the City Council of Tuscaloosa finds the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa 932-934 39th Avenue East unsafe to the extent that it is a public nuisance; and,
2. That the aforementioned building, structure, part of the building or structure, party wall, or foundation, is hereby ordered demolished, pursuant to the terms and conditions of Ala. Code Section 11-53B-1 et seq. (1975), such action being an exercise of the City's police and/or regulatory powers.

*Tabled 60 days on
9/12/23 (11.21.23)
(Ty/W-y) (L - Absent)*

BPA
City Clerk

Prepared: Assistant City Clerk
Requested: Urban Development-Building Inspections
Agenda: 8-30-2022

RESOLUTION

RESOLUTION ORDERING DEMOLITION OF
THE STRUCTURE(S) AT 932-934 39th AVENUE EAST

WHEREAS, pursuant to Ala. Code Section 11-53B-1 et seq. (1975), the appropriate municipal official of the City of Tuscaloosa has found that the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa at 932-934 39th Avenue East is unsafe to the extent that it is a public nuisance; and,

WHEREAS, all appropriate notifications and time periods, as stated in said statute, have been complied with by the appropriate municipal official in the person of the Chief Building Official with the Urban Development-Building Inspections Department for the City of Tuscaloosa; and,

WHEREAS, on the 30th day of August, 2022, the City Council of Tuscaloosa held a public hearing, at which time the Chief Building Official of the Urban Development-Building Inspections Department for the City of Tuscaloosa appeared and set forth reasons for his findings.

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

1. That the City Council of Tuscaloosa finds the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa 932-934 39th Avenue East unsafe to the extent that it is a public nuisance; and,
2. That the aforementioned building, structure, part of the building or structure, party wall, or foundation, is hereby ordered demolished, pursuant to the terms and conditions of Ala. Code Section 11-53B-1 et seq. (1975), such action being an exercise of the City's police and/or regulatory powers.

Tabled for 60 days on 7/11/23
(B/L - Y) (Ty - Absent)

BPT
City Clerk

Tabled for 60 days on 5-9-23
(TY/C - Y); Item will be heard on 7-11-23

BPT
City Clerk

Tabled for 30 days on 4-4-23; Item will be heard on 5-9-23 (TY/C - Y)

BPT
City Clerk

Prepared: Assistant City Clerk
Requested: Urban Development-Building Inspections
Agenda: 8-30-2022

RESOLUTION

RESOLUTION ORDERING DEMOLITION OF
THE STRUCTURE(S) AT 932-934 39th AVENUE EAST

WHEREAS, pursuant to Ala. Code Section 11-53B-1 et seq. (1975), the appropriate municipal official of the City of Tuscaloosa has found that the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa at 932-934 39th Avenue East is unsafe to the extent that it is a public nuisance; and,

WHEREAS, all appropriate notifications and time periods, as stated in said statute, have been complied with by the appropriate municipal official in the person of the Chief Building Official with the Urban Development-Building Inspections Department for the City of Tuscaloosa; and,


WHEREAS, on the 30th day of August, 2022, the City Council of Tuscaloosa held a public hearing, at which time the Chief Building Official of the Urban Development-Building Inspections Department for the City of Tuscaloosa appeared and set forth reasons for his findings.

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

1. That the City Council of Tuscaloosa finds the building, structure, part of the building or structure, party wall, or foundation, situated in the City of Tuscaloosa 932-934 39th Avenue East unsafe to the extent that it is a public nuisance; and,
2. That the aforementioned building, structure, part of the building or structure, party wall, or foundation, is hereby ordered demolished, pursuant to the terms and conditions of Ala. Code Section 11-53B-1 et seq. (1975), such action being an exercise of the City's police and/or regulatory powers.

Tabled for 90 days on 11-1-22
(Ty/C-y) (1-31-23)


City Clerk

Tabled for 60
days on 1/31/23
(Ty/H-y)

City Clerk
(4/4/23)

Tabled for 60 days
on 8/30/22 (11/1/22)
(Ty/C-y)


City Clerk

Prepared: Assistant City Clerk
Requested: Urban Development-Building Inspections
Agenda: 8-30-2022

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
POPSTROKE TUSCALOOSA LLC
DBA POPSTROKE
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application of PopStroke Tuscaloosa LLC dba PopStroke for a Special Retail- More than 30 Days to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

PopStroke Tuscaloosa LLC
dba PopStroke
680 Harper Lee Drive
Tuscaloosa, AL 35404

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

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

23-093

Tabled on 11/7/23
(11/21/23) (Ty/C-4)


City Clerk

Prepared by: Revenue and Financial Services Division
Accounting and Finance Department

RESOLUTION

RESOLUTION DECLARING PROPERTY
SURPLUS AND AUTHORIZING ITS DISPOSAL

WHEREAS, the Purchasing Agent has reported to the City Council that certain equipment from various departments is surplus and no longer needed for municipal purposes, and he has requested permission to dispose of the same in the manner stated.

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

That the following item(s) from the listed department(s) be declared surplus and no longer needed for municipal purposes and the Purchasing Agent is authorized to dispose of the same in the manner stated.

DONATION

WATER & SEWER	
ITEM(S)	CITY ID NO.
2008 Ford Trolley Van	0463
2008 Ford Crown Victoria	2199
2011 Ford Crown Victoria	2375

Requested: Accounting & Finance
Prepared: Accounting & Finance
Agenda: 11/21/2023

RESOLUTION

RESOLUTION AUTHORIZING REQUEST FOR
STREET LIGHTING SYSTEM MODIFICATIONS

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the City Clerk be, and is hereby, authorized to request Alabama Power Company to make the following modification to the street lighting system within the corporate limits of the City:

LED Cobra Head
5,200-7,200 INITIAL LUMENS INSTALL
One (1) 425 51st St
(upfront cost of \$820.55)

LED Cobra Head
5,200-7,200 INITIAL LUMENS INSTALL
Two (2) 31st Ave and 44th PI E
(no upfront cost)

LED Cobra Head
5,200-7,200 INITIAL LUMENS INSTALL
Six (6) Belview Dr and Highridge Cir
(upfront cost of \$1,777.62)

FUNDING REQUIRED: Yes No
20309030-14043

By: Carlye Prandley
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

Prepared: City Clerk
Requested: Office of the City Engineer
Agenda: 11/21/2023

RESOLUTION

RESOLUTION AWARDING COMPETITIVE BID(S) TO NON-LOW
BIDDER BUT TO LOWEST RESPONSIBLE BIDDER MEETING SPECIFICATIONS FOR THE PURCHASE, ETC. OF

Hypochlorite Storage Tank
BID NO. 9045-110323-1

WHEREAS, heretofore, bids were opened and read for the purchase or lease of the above stated labor, service, work and/or materials, equipment, supplies or other personal property as more particularly stated in the invitation to bid, instruction to bidders and/or specifications of the City of Tuscaloosa, a Municipal Corporation; and,

WHEREAS, the said bids have been analyzed and reviewed by the appropriate department(s) to which the matter was referred by the City Council and the said department(s) have recommended that award be made to a bidder who is not the actual lowest bidder but was the lowest responsible responsive bidder taking into consideration the specifications and other requirements; and,

WHEREAS, The Dycho Company Inc was the apparent lowest bidder on some items, but was not recommended for award as the lowest responsible responsive bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that award based upon competitive bid for the following item(s) is hereby made to:

<u>Vendor</u>	<u>Description</u>	<u>Total Amount</u>
Morrow Water Technologies	Snyder Industries Hypo Tank (Qty of 2)	\$56,995.00

As the lowest responsible bidder taking into consideration where appropriate the qualities of the commodities, labor, service, etc. as above stated to be supplied or sold, conformity with specifications, the purpose for which required, the terms of delivery, transportation charges and dates of delivery where applicable; and, the Mayor is authorized to execute appropriate contracts or related documents, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
61209030-23205

By: Carly Standley
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

Prepared: Purchasing
Requested: Purchasing
Agenda: 11/21/2023

RESOLUTION

RESOLUTION AWARDING COMPETITIVE BID(S) TO NON-LOW
BIDDER BUT TO LOWEST RESPONSIBLE BIDDER MEETING SPECIFICATIONS FOR THE PURCHASE, ETC. OF

Full Size SUV
BID NO. 5010-111623-1

WHEREAS, heretofore, bids were opened and read for the purchase or lease of the above stated labor, service, work and/or materials, equipment, supplies or other personal property as more particularly stated in the invitation to bid, instruction to bidders and/or specifications of the City of Tuscaloosa, a Municipal Corporation; and,

WHEREAS, the said bids have been analyzed and reviewed by the appropriate department(s) to which the matter was referred by the City Council and the said department(s) have recommended that award be made to a bidder who is not the actual lowest bidder but was the lowest responsible responsive bidder taking into consideration the specifications and other requirements; and,

WHEREAS, Long Lewis of the Shoals was the apparent lowest bidder on some items, but was not recommended for award as the lowest responsible responsive bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that award based upon competitive bid for the following item(s) is hereby made to:


<u>Vendor</u>	<u>Description</u>	<u>Total Amount</u>
Hendrick Chevrolet	Chevrolet Tahoe RST	\$76,176.50

As the lowest responsible bidder taking into consideration where appropriate the qualities of the commodities, labor, service, etc. as above stated to be supplied or sold, conformity with specifications, the purpose for which required, the terms of delivery, transportation charges and dates of delivery where applicable; and, the Mayor is authorized to execute appropriate contracts or related documents, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

20305010-21501

20305010-23512

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

Prepared: Purchasing
Requested: Purchasing
Agenda: 11/21/2023

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
SOCIAL OAK AND NURSERY LLC
DBA SOCIAL OAK AND NURSERY
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application Social Oak and Nursery LLC dba Social Oak and Nursery for a Retail Beer (On or Off Premises) to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Social Oak and Nursery LLC
dba Social Oak and Nursery
5318 Rice Mine Rd NE
Tuscaloosa, AL 35406

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

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

23-094 (a)

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
SOCIAL OAK AND NURSERY LLC
DBA SOCIAL OAK AND NURSERY
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application of Social Oak and Nursery LLC dba Social Oak and Nursery for a Retail Table Wine (On or Off Premises) to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Social Oak and Nursery LLC
dba Social Oak and Nursery
5318 Rice Mine Rd NE
Tuscaloosa, AL 35406

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

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

23-094 (b)

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
ROLFS INC.
DBA ROLFS CAFÉ' AND BISTRO
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application Rolfs Inc. dba Rolfs Café' and Bistro for a Retail Beer (On or Off Premises Only) to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Rolfs Inc.
dba Rolfs Café' and Bistro
2324 4th Street
Tuscaloosa, AL 35401

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

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

23-095 (a)

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
ROLFS INC.
DBA ROLFS CAFÉ' AND BISTRO
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application of Rolfs Inc. dba Rolfs Café' and Bistro for a Retail Table Wine (On or Off Premises Only) to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Rolfs Inc.
dba Rolfs Café' and Bistro
2324 4th Street
Tuscaloosa, AL 35401

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

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

23-095 (b)

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW III / CHC
Requested: UD/Planning Com Date: 10-16-2023
Council Presentation: 11/21/2023
Suspension of Rules: No

RESOLUTION

**RESOLUTION GRANTING TENTATIVE APPROVAL
OF CYPRESS CREEK COVE, A PLANNED UNIT DEVELOPMENT
(P-04-23/OCA-23-1467)**

WHEREAS, Longleaf Engineering, LLC has submitted for tentative approval a Planned Unit Development, pursuant to Section 24-161 et seq of the Zoning Ordinance of Tuscaloosa; and,

WHEREAS, the Planning and Zoning Commission has held a public hearing and has recommended that the City Council of Tuscaloosa grant tentative approval of said Planned Unit Development; and,

WHEREAS, seven days notice of a public hearing before the City Council of Tuscaloosa to consider said tentative approval by this Council was duly given by publication in *The Tuscaloosa News*.

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

That said public hearing has been held on this date and the Council is of the opinion that tentative approval should be given to Cypress Creek Cove.

That tentative approval is subject to the following conditions:

1. To consist of 102 single-family residential lots and three open space lots. There shall be a minimum of two off-street parking spaces per lot. The homes will be one and two-stories and range from 1,300-1,500 square feet.
2. Comply with all specifications outlined in the "Narrative" submitted to the Planning Commission, building in compliance with renderings, elevations and preliminary plat submitted to the Planning Commission and compliance with all conditions in report of Planning Commission to Council.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: OT/hh

Requested by: A & E

Council Presentation: 11/21/2023

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING AMPHITHEATER NAMING RIGHTS SPONSORSHIP CONTRACT
WITH MERCEDES-BENZ U.S. INTERNATIONAL, INC.
(A22-1044)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor be, and he is hereby, authorized to execute a Sponsorship Agreement with Mercedes-Benz U.S. International, Inc., subject to the approval of the Office of the City Attorney, for a term of Ten (10) years for naming rights at the Tuscaloosa Amphitheater, by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

By: _____

Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: OT/HH
Requested: CD CMTE Date: 11/21/23
Council Presentation: 11/21/23
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS FOR THE PROGRAM YEAR 2023 EMERGENCY SOLUTIONS GRANTS PROGRAM (OCA-23-1628)

WHEREAS, the State of Alabama has received funds from the U. S. Department of Housing and Urban Development under the 2023 Emergency Solutions Grant Program to provide assistance for the homeless and to prevent homelessness in all areas within the State of Alabama; and

WHEREAS, the City of Tuscaloosa made application for 2023 Emergency Solutions Grant funds and received approval of the application in the amount of \$200,000.00.

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

1. That the City of Tuscaloosa is hereby authorized to enter into an agreement with the Alabama Department of Economic and Community Affairs in the amount of \$200,000.00 to provide funds for homeless prevention, rapid-rehousing, street outreach, and emergency shelter costs.
2. That the Mayor is authorized to execute all necessary documents for the grant and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION
Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION TENTATIVELY AWARDING PUBLIC WORKS CONTRACT TO
INLINER SOLUTIONS, LLC FOR
PHASE TWO 2023 CMP LINING PROJECT
(OCA-23-1135)

WHEREAS, heretofore, bids were opened and read on or about the 10th day of October, 2023, in regard to the Phase 2 - 2023 CMP Lining Project and,

WHEREAS, representatives of the City have notified the Projects Committee and City Council that the apparent lowest responsive, responsible bidder meeting the specifications for Phase 2 - 2023 CMP Lining Project was that of Inliner Solutions, LLC in the amount of \$273,710.00.

WHEREAS, the representatives of the City have advised the City Council of that fact and recommended that they be authorized to issue notification of intention to award to the said bidder and upon all contractual matters being finalized including bonds and insurance, that the Mayor be authorized to execute all appropriate contracts and documents with said bidder.

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

1. That in accordance with ALA. CODE §39-5-1(b) (1975), the City of Tuscaloosa, as the awarding authority, does hereby certify that to the best of its knowledge, information and belief, this contract was let in compliance with applicable provisions of this title and all other applicable provisions of law.

2. That the conditional award based upon competitive bid is hereby made to, Inc. for the base bid in the amount of \$273,710.00; for Phase 2 - 2023 CMP Lining Project pursuant to the plans, specifications, drawings and related documents for the project, as the apparent lowest responsible, responsive bidder taking into consideration where appropriate, the qualities of the commodities, the labor, service, etc., conformity with specifications, the purpose for which required, the terms of delivery, transportation charges and dates of delivery where applicable.

3. That the representatives of the City, on behalf of the City of Tuscaloosa be, and they are hereby, authorized to issue notification of intention of award to the said bidder in said amount and proceed with completion of review and submittal for all contractual matters as required by the City's plans and specifications.

4. That this award is conditioned upon said bidder completing and submitting to the City through its representatives, all documents and other related matters required by the request for proposal of the bidder and upon notification from the City representatives that the bidder has complied with said requirements, the Mayor be, and he is hereby, authorized to execute a contract between the City of Tuscaloosa and said bidder for the project in the amount awarded above, by and as an act for and on behalf of the City of Tuscaloosa, and the City Clerk be, and she is hereby, authorized to attest the same, at which time the contract will be considered to have been awarded.

5. That upon notification from the City representatives that all preliminary matters have been complied with by the said low bidder and subsequent execution of said contract by the Mayor on behalf of the City, the City Representative be, and it is hereby, authorized to issue appropriate notices to proceed to the contractor.


FUNDING REQUIRED: Yes No
20309030-23002

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/7/2023
Council Presentation: 11/21/2023
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING A PROFESSIONAL ENGINEERING SERVICES CONTRACT
WITH GARNER & ASSOCIATES ENGINEERING
(OCA-23-1324/W&S # 2024.703.001)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Professional Engineering Services Contract with Garner & Associates Engineering for the Hilliard N. Fletcher WRRF—5KV Electrical Upgrades project in an amount not to exceed \$683,500.00, by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

2022B Bond 62240280-23211

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION TENTATIVELY AWARDING PUBLIC WORKS CONTRACT TO
TAYLOR ELECTRICAL CONTRACTORS, INC. FOR
UNIVERSITY BOULEVARD EAST – ALBERTA BRIDGE LIGHTING PROJECT
(OCA-23-1323/2022.028.001)

WHEREAS, heretofore, bids were opened and read on or about the 25th day of October, 2023, in regard to the University Boulevard East - Alberta Bridge Lighting Project and,

WHEREAS, representatives of the City have notified the Projects Committee and City Council that the apparent lowest responsive, responsible bidder meeting the specifications for University Boulevard East - Alberta Bridge Lighting Project was that of Taylor Electrical Contractors, Inc. in the amount of \$584,992.40.

WHEREAS, the representatives of the City have advised the City Council of that fact and recommended that they be authorized to issue notification of intention to award to the said bidder and upon all contractual matters being finalized including bonds and insurance, that the Mayor be authorized to execute all appropriate contracts and documents with said bidder.

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

1. That in accordance with ALA. CODE §39-5-1(b) (1975), the City of Tuscaloosa, as the awarding authority, does hereby certify that to the best of its knowledge, information and belief, this contract was let in compliance with applicable provisions of this title and all other applicable provisions of law.

2. That the conditional award based upon competitive bid is hereby made to Taylor Electrical Contractors, Inc. for the base bid in the amount of \$584,992.40; for University Boulevard East - Alberta Bridge Lighting Project pursuant to the plans, specifications, drawings and related documents for the project, as the apparent lowest responsive, responsible bidder taking into consideration where appropriate, the qualities of the commodities, the labor, service, etc., conformity with specifications, the purpose for which required, the terms of delivery, transportation charges and dates of delivery where applicable.

3. That the representatives of the City, on behalf of the City of Tuscaloosa be, and they are hereby, authorized to issue notification of intention of award to the said bidder in said amount and proceed with completion of review and submittal for all contractual matters as required by the City's plans and specifications.

4. That this award is conditioned upon said bidder completing and submitting to the City through its representatives, all documents and other related matters required by the request for proposal of the bidder and upon notification from the City representatives that the bidder has complied with said requirements, the Mayor be, and he is hereby, authorized to execute a contract between the City of Tuscaloosa and said bidder for the project in the amount awarded above, by and as an act for and on behalf of the City of Tuscaloosa, and the City Clerk be, and she is hereby, authorized to attest the same, at which time the contract will be considered to have been awarded.

5. That upon notification from the City representatives that all preliminary matters have been complied with by the said low bidder and subsequent execution of said contract by the Mayor on behalf of the City, the City Representative be, and it is hereby, authorized to issue appropriate notices to proceed to the contractor.

FUNDING REQUIRED: Yes No
20309030-22028 _____
70101000-22028 _____

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

(Signature)

Office of the City Attorney

Prepared By: SEM/hdh

Requested: Projects Date: 11/07/2023

Council Presentation: 11/21/2023

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING MINOR PUBLIC WORKS CONTRACT WITH
OLYMPIA SPRINKLER INSTALLATION, INC.
(OCA-23-1530)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a minor public works contract in the amount of \$7,330.00 with Olympia Sprinkler Installation, Inc. for installation of backflow preventer at Tuscaloosa Police Department, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

10705010-24512

By: *Carly Handige*
Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING MINOR PUBLIC WORKS CONTRACT WITH
SOUTHERN HEATING & COOLING, LLC
(OCA-23-1525)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a minor public works contract in the amount of \$8,475.00 with Southern Heating & Cooling, LLC for replacement of heat pump at Hillard Fletcher Wastewater Resource Facility, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
60709072-23513

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING MINOR PUBLIC WORKS CONTRACT WITH
SOUTHERN HEATING & COOLING, LLC
(OCA-23-1571)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a minor public works contract in the amount of \$2,175.00 with Southern Heating & Cooling, LLC for Installation of Hot Water Pump at TPD Headquarters and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109042-3100

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO


RESOLUTION

RESOLUTION AUTHORIZING MINOR PUBLIC WORKS CONTRACT WITH CHIP GRIFFITH
CONSTRUCTION CO.
(OCA-23-1468)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a minor public works contract in the amount of \$3,800.00 with Chip Griffith Construction Co. for ESD Paint Renovation and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109075-3170

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED ELECTRICAL SERVICES WITH TAYLOR ELECTRICAL, INC.
(OCA-23-1547)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$12,000.00 with Taylor Electrical, Inc. for As-Needed electrical services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109042-3100
10109042-3101
10109042-3108

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM/hdh

Requested: Projects Date: 11/07/2023

Council Presentation: 11/21/2023

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED HVAC SERVICES WITH HUGHES & MULLENIX.
(OCA-23-1553)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$30,000.00 with Hughes & Mullenix for As-Needed HVAC Services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.


FUNDING REQUIRED: Yes No
10109042-3100
10109042-3101
10109042-3108

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh

Requested: Projects Date: 11/07/2023

Council Presentation: 11/21/2023

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED CARPENTRY AND PAINTING SERVICES WITH JT CONTRACTING, LLC
(OCA-23-1561)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$15,000.00 with JT Contracting, LLC, for As-Needed Carpentry and Painting Services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109042-3100
10109042-3101
10109042-3108

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED CARPENTRY AND PAINTING SERVICES WITH PAINTS ON US PLUS
(OCA-23-1567)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$35,000.00 with Paints On Us Plus for As-Needed Carpentry and Painting Services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109042-3100
10109042-3101
10109042-3108

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED PLUMBING SERVICES WITH JOHN WAYNE PLUMBING & DRAIN SERVICE
(OCA-23-1568)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$50,000.00 with John Wayne Plumbing & Drain Service for As-Needed Plumbing Services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109042-3100
10109042-3101
10109042-3108

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM/hdh

Requested: Projects Date: 11/07/2023

Council Presentation: 11/21/2023

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED ELECTRICAL SERVICES WITH PREMIER SERVICE COMPANY, INC.
(OCA-23-1569)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$12,000.00 with Premier Service Company, Inc. for As-Needed Electrical Services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

10109042-3100

10109042-3101

10109042-3108

By: 

Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 11/07/2023
Council Presentation: 11/21/2023
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING A MINOR PUBLIC WORKS CONTRACT FOR
AS-NEEDED PRESSURE WASHING SERVICES WITH RICHEY QUALITY CUTS
(OCA-23-1570)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Minor Public Works Contract in an amount not to exceed \$24,000.00 with Richey Quality Cuts for As-Needed Pressure Washing Services by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10109042-3100
10109042-3101
10109042-3108

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SBH

Requested: OCA Date: 11-21-23

Council Presentation: 11-21-2023

Suspension of Rules: No

RESOLUTION

RESOLUTION PROVIDING INFORMED CONSENT REGARDING REPRESENTATION PURSUANT TO
RULE 1.7 OF THE RULES OF PROFESSIONAL CONDUCT OF THE ALABAMA STATE BAR
(A16-0466)

WHEREAS, the City Council has been informed of the following matters, to wit:

1. Attorney Barry Staples with Maynard Nexsen has for the past several years represented the City of Tuscaloosa in matters involving taxes and the issuance of municipal financing.
2. The City of Tuscaloosa sought municipal financing for the construction of Fire Station 6 and, in response to a request for proposals, selected Regions Bank to provide financing to the City.
3. Mr. Staples and his firm have on occasion represented Regions Bank in regard to unrelated transactions which creates a conflict of interest under Ala. Rules of Prof. Conduct Rule 1.7.
4. In the current transaction Regions Bank is represented by the firm of Bradley Arant Boult Cummings.
5. Pursuant to Ala. Rules of Prof. Conduct Rule 1.7 Mr. Staples has advised the both parties of this conflict and has requested consent each to represent the City in the present transaction.

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

1. The City Council has been fully advised of certain matters relating to any potential conflict of interest arising out of the prior representation of Regions Bank by Mr. Staples and Maynard Nexsen.
2. The City Council is satisfied that Mr. Staples's continued representation of the City of Tuscaloosa in this transaction will not adversely affect the City of Tuscaloosa.

3. The City of Tuscaloosa hereby consents to Mr. Staples's continued representation of the City of Tuscaloosa in this transaction notwithstanding any prior or future representation of Regions Bank.

4. The City Council is satisfied that should any circumstance arise in a particular case that requires further consent of the City Council, the Office of City Attorney will notify the City Council, which shall then take appropriate action.

FUNDING REQUIRED: Yes No

By: _____
Finance Director

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH
Requested: Finance Date: 11/07/23
Council Presentation: 11/21/23
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING DISBURSEMENT FROM DISTRICT 4 IMPROVEMENT FUNDS FOR THE
CAMPUS VETERAN ASSOCIATION IRON RUCK EVENT
(OCA-23-1600)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Councilmember for Tuscaloosa City Council District 4 has requested that the amount of \$700.00 be designated to support the University of Alabama Campus Veteran Association Iron Ruck event, from the District 4 Improvement Fund, by, and as an act form, and on behalf of the City of Tuscaloosa.

FUNDING REQUIRED: Yes No
10104050-99904

By: 
Chief Financial Officer

COUNCIL ACTION
Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH

Requested: Council Date: 11-21-23

Council Presentation: 11-21-2023

Suspension of Rules: No

RESOLUTION

RESOLUTION ESTABLISHING THE LEGISLATIVE AGENDA OF THE CITY OF TUSCALOOSA FOR THE 2024 SESSION OF THE ALABAMA LEGISLATURE (OCA-23-1597)

WHEREAS, the 2024 Legislative Session for the State of Alabama will soon begin; and

WHEREAS, as with many local governments throughout the State of Alabama, the City of Tuscaloosa has certain unique requirements and challenges which, due to the lack of Home Rule in the State of Alabama, can only be addressed through legislative action; and

WHEREAS, it is therefore the desire of the City of Tuscaloosa to provide an agenda to the Tuscaloosa County Legislative Delegation for their information, indicating the types and kinds of legislation that may be needed by the City of Tuscaloosa in order to effectively address certain important local governing issues and to inform the Delegation of other legislation it supports or opposes.

WHEREAS, it is the City of Tuscaloosa's desire to monitor and respond, as appropriate, should legislative items be introduced, or become necessary to protect the City's financial, self-governance, or other interest.

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

That the City of Tuscaloosa considers the following to be legislative issues which are significant to the citizens of Tuscaloosa and therefore request support or opposition, as the case may be, of the Tuscaloosa County Legislative Delegation of such legislation during the upcoming 2024 session. Moreover, the Mayor, Council President, and City Attorney are authorized to take such additional positions on proposed legislation as necessary to protect the City's interest.

Legal Administration

1. Make Tort Liability Limits Clearly Applicable to "Individual Capacity" Suits against Municipal Employees

Unlike the State of Alabama, which has sovereign immunity from any tort claim for money damages, municipalities are liable for torts committed by their employees acting in the line and

scope of employment. Such claims against municipalities are limited by law to \$100,000 per person per occurrence and \$300,000 in the aggregate. It has long seemed well-settled that the Legislature expressly intended to include these same liability limits to claims against municipal employees as well.

However, recent lawsuits and court decisions have called into question the applicability of the statutory liability limits to claims against municipal employees in their "individual capacities." This leaves individual municipal employees exposed to personal liability for judgments in excess of the liability caps. Compounding the problem, certain insurance companies, taking note of this legal trend, have begun including special endorsements in their municipal liability policies that limit the company's exposure for "individual capacity" claims to the amount of the statutory caps. This means that even if the municipality purchases insurance with much higher coverage limits, the individual employees are only protected for the first \$100,000/\$300,000 of any court judgment. In order to allow public servants to perform their duties without risk to their private assets, it is imperative that the statutory caps be made clearly applicable to municipal employees in both their official and individual capacities for claims that arise out the line and scope of employment with the municipality.

2. Supports Amendment to Appeal Procedure for Zoning Board of Adjustment

The City supports amending Alabama Code §11-52-81 to clarify appeal procedures and to read as follows:

"Any party aggrieved by virtue of any final judgment or decision of such board of zoning adjustment may appeal therefrom by filing an appeal in circuit court in the county where the board convenes within 15 days of any such final judgment or decision of the board. In case of such appeal such board shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken within 30 days of filing of the appeal, and the appeal shall be tried de novo."

3. Supports Authorization of Submission of Bids by Means of Secure Electronic Delivery

The City supports specific statutory authorization to allow for submission of public works contract bids and documentation by means of secure electronic delivery.

4. Supports Legislation Authorizing Satisfaction of State Publication Requirements by Electronic Means

The City supports legislation that will establish authorization for local governments to satisfy publication requirements by the use of websites maintained for that purpose.

Public Safety

1. Supports Legislation Modernizing Alcohol Licensing and Alabama Beverage Control Laws and Regulations

The City supports legislation creating a hybrid alcohol license classification to cover emerging business practices of combined restaurant/bar/lounges, revisions to types of licenses for retail establishments that serve alcohol as an ancillary business as well as modernizing Alabama Beverage Control Laws and Regulations regarding emergency orders to allow municipal regulations regarding age restrictions and geographic area restrictions.

2. Supports Authorization for Community Paramedicine and Allowing Mid-level Providers Ability to Bill for Services and Funding

The City supports legislation that authorizes community paramedicine programs and allows mid-level providers the ability to bill for services rendered as well as provide for funding through appropriate mechanisms.

3. Supports requirements that local law enforcement be notified when a person on supervised release absconds

The City supports legislation that would require local law enforcement be notified when any person, including a juvenile, who is on electronic monitoring or other supervised release removes their monitoring device or otherwise absconds from supervision.

Urban Development

1. Civil Enforcement Legislation

The City supports legislation authorizing minor infractions such as parking and code violations in the City of Tuscaloosa, Alabama, as a civil violations; providing certain procedures to be followed by the City Enforcement Officers; providing that the owner of the vehicle or property is presumptively liable for a civil violation and the payment of a civil fine, but providing procedure to contest liability; providing for jurisdiction in the Tuscaloosa Municipal Court over the civil violations and allowing appeals to the Tuscaloosa County Circuit Court; creating a cause of action for any person held responsible for payment of the civil fine against the person who was actually responsible for illegally parking the vehicle.

2. Supports Lake Tuscaloosa Extra Territorial Zoning

It is undeniable that Lake Tuscaloosa is Tuscaloosa County's greatest natural resource. Completed in 1970, the Lake consists of 5,885 acres with a full pool capacity of 400 billion gallons

of water and a withdrawal capability of 200 million gallons per day. The Lake serves a critical role as the primary source of drinking water for the vast majority of the population of Tuscaloosa County. Ninety-four percent (94%) of the entire volume of drinking water in the County comes from Lake Tuscaloosa. In addition, the Lake also functions as a major public recreational center for many residents and visitors. Over the last several decades, there has been significant residential and commercial development in and around the Lake, most of it outside the corporate limits of the City. Studies indicate that development is impacting the water quality of Lake Tuscaloosa. Therefore, it is imperative that there be some land use regulation around the Lake in order to preserve and protect it from pollution and degradation.

It is anticipated that this would be a Class 4 municipal bill applying to any municipality owning a body of impounded water used primarily but not exclusively as a water supply with a surface area equal to or in excess of 200 acres. Any covered municipality should be allowed by ordinance adopted within ninety (90) days of the effective date to become a participating municipality. The bill would authorize a participating municipality to adopt zoning laws, ordinances, and regulations outside its corporate limits to extend up to 1,000 feet from the acquisition line of the reservoir.

Revenue and Fiscal Policy

1. Supports adequately funding the State General Fund budget (“Unfunded Mandates”)

The City supports legislation requiring adequate funding by the State General Fund for criminal corrections, mental health systems, transportation, and maintenance, and the Department of Forensic Sciences, and opposes legislation that would pass financial burdens to local governments without accompanying state funding.

2. Opposes Drug Sales Exemption from Gross Receipts for Determination of Business Licenses

In the event a bill is re-introduced this session to exempt gross receipts of drug sales from the amount of gross receipts used to determine a pharmacy’s business license, the City wishes to express its concern and opposition to such efforts. Pharmacy sales of prescription medication is currently exempt from sales taxes, as it should be, and therefore exemption of drug sales from business licensing would undermine the City’s revenues and regulatory authority in an unwarranted manner.

3. Supports Revisions to the Simplified Sellers Use Tax

The City supports revisions to the Simplified Sellers Use Tax to equitably collect and allocate internet tax revenues.

4. Supports regulation of retail store tax valuations

The City supports legislation that would dissuade or prohibit stores like Lowe's and other Big Box retail stores from valuing their property on its current use rather than its value on the open market.

Infrastructure

1. Opposes Legislation Adverse to the City's Water and Sewer Operations

The City produces over eight (8) billion gallons of water a year serving over 45,000 households and other customer units. The City also provides water to eight (8) rural water systems in the County. Yet, the City's water rates are the lowest of any of the thirteen (13) suppliers in the County. The City also has an extensive sanitary sewer system consisting of over 500 miles of mains and a wastewater plant that treats an average of 18 million gallons of wastewater a day. The viability of the City's water and sewer system is critical to the welfare of the City of Tuscaloosa.

It is therefore imperative that we be vigilant regarding any legislation that could adversely impact the City's ability to continue to provide these vital services.

2. Opposes Legislation that Bans Biosolid Application as Fertilizer/Soil Amendments

The City opposes any legislation that would ban treated sewage biosolids being applied as fertilizer or soil amendments.

3. Support Legislation to Require the Alabama Department of Transportations to Update Signage on State and Federal Highways When a Street is Renamed for a Fallen Hero.

The City supports legislation that would require the Alabama Department of Transportation to update highway signage when a municipality renames a street in honor of a police officer or member of the armed services killed in the line of duty.

Council Requested

1. Support Legislation to move the City of Tuscaloosa's Municipal Election Date to the Third Tuesday of May beginning in May of 2025.

The City supports legislation that would move the City of Tuscaloosa's municipal election from the first Tuesday in March to the third Tuesday in May beginning with the election scheduled to take place in 2025.

FUNDING REQUIRED: Yes No

By: _____

Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: LL

Requested: 11/07/2023

Presentation on: 11/21/2023

Suspension of Rules: No

RESOLUTION

**AMENDING THE FISCAL YEAR 2024 WATER AND SEWER RESERVE FOR FUTURE IMPROVEMENTS
FUND BUDGET
(AMENDMENT 2 - FY24 WSRFFI BUDGET)
(A07-0203/A98-0431)**

WHEREAS, the Council has determined to re-establish the WSRFFI for Fiscal 2024. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

That the resolution previously enacted by the City Council designating a specific amount of the City of Tuscaloosa’s Water and Sewer Reserve Fund for Future Improvement (WSRFFI) as encumbered for certain designated public improvement and special projects of the Water and Sewer Department in the stated amount for expenditures in the fiscal year, including continuing encumbrances of unexpended reserve funds in the stated amounts for those projects previously designated in prior years and confirmed therein, be further amended by the language and/or by the addition or subtraction in the amounts as indicated herein. Unless subsequently amended or repealed, any unexpended funds designated or amended herein or previously designated shall remain encumbered through Fiscal 2024.

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, that the Fiscal Year 2024 Water and Sewer Reserve For Future Improvements Fund Budget of the City of Tuscaloosa be, and the same is hereby, amended as follows:

REVENUES			
PROJECT NAME	CURRENT BUDGET	CHANGE	REVISED BUDGET
Cost Reimburse	\$3,893,823	\$162,500	\$4,056,323
NET REVENUES		<u>\$162,500</u>	

EXPENSES			
PROJECT NAME	CURRENT BUDGET	CHANGE	REVISED BUDGET
NRYC Low Pressure System	\$0	\$162,500	\$162,500
NET EXPENDITURES		<u>\$162,500</u>	

FUNDING REQUIRED: Yes No

Fund 612 – Water & Sewer RFFI

By: Bucky Scheff
Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____


Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW
Requested: 11/07/23 Admin Com.
Presentation on: 11/21/2023
Suspension of Rules: No

RESOLUTION

RESOLUTION APPROVING JOB CLASS SPECIFICATIONS
FOR PARK RANGER
(OCA-23-1558)

WHEREAS, pursuant to Alabama Act 2006-233 the Human Resources Department shall develop and submit to the City Council for approval by resolution job class specifications for all jobs in the City to be a representative of the duties, activities, and qualifications.

WHEREAS, the Human Resources Department has submitted the job specifications for Park Ranger to the Administration Committee and the Administration Committee has recommended that the Job Class Specifications be submitted to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Job Classification Specifications for Park Ranger (Job Code 4125 dated October 2023) is hereby approved.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: LL

Requested: FC 11/07/23

Presentation on: 11/21/23

Suspension of Rules: NO

ORDINANCE NO. _____

AMENDING THE FISCAL YEAR 2024 GENERAL FUND BUDGET
(AMENDMENT 2 – FY24 GF BUDGET)
(A22-1037)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, that the Fiscal Year 2024 General Fund Budget of the City of Tuscaloosa be, and the same is hereby, amended as follows:

REVENUE			
Department	Account	Current Budget	Amended Budget
PW-ESD	ADEM Recycling Grant	\$ (0)	\$ (380,296)
Net Revenues			\$ (380,296)

EXPENDITURE			
Department	Account	Current Budget	Amended Budget
PW-ESD	ADEM Recycling Grant Exp	\$ 0	\$ 380,296
Net Expenditures			\$ 380,296

FUNDING REQUIRED: Yes No

FY24 General Fund _____

By: Carlye Sandberg

Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: LL

Requested: FC 11/07/2023

Presentation on: 11/21/2023

Suspension of Rules: NO

ORDINANCE NO. _____

AMENDING THE 2024 ELEVATE TUSCALOOSA FUND BUDGET
AMENDMENT 3
(A23-1516)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, that the Elevate Tuscaloosa Fund of the City of Tuscaloosa be, and the same is hereby, amended as follows:

REVENUES		
Category	Current Life Budget	Amended Life Budget
Federal Grants	\$(15,000,000)	\$(15,289,336)
State Grant	\$0	\$(16,074)
Net Revenues		\$305,410

EXPENDITURES		
Category	Current Life Budget	Amended Life Budget
Runway 04/22 Extension	\$16,075	\$321,485
Net Expenditures		\$305,410

FUNDING REQUIRED: Yes No
Elevate Tuscaloosa Fund

By:
Deputy Sheriff
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW

Requested: Admin Date: 11-07-23

Council Presentation: 11-21-23

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING EXHIBITS "A" AND "B" OF SECTION 19-42/19-60(a) OF THE CODE OF TUSCALOOSA PARK RANGER

(OCA-23-1557)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Section 19-42 of the Code of Tuscaloosa be, and the same is hereby, amended as follows:

SECTION ONE. That Exhibit "A" Job Classification List–Pay Grade Order and Exhibit "B," Job Classification List–Alphabetical Order of Section 19-42 "Adoption of Exhibits," be, and the same are hereby, amended to **add** the following job classification pay grade and/or job classification titles as follows:

Job Code	Title	Pay Grade
3125	Park Ranger	10

FUNDING REQUIRED: Yes : No:

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution : _____
 Ordinance _____
 Introduced _____
 Passed _____
 2nd Reading _____
 Unanimous _____
 Failed _____
 Tabled _____
 Amended _____
 Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH/BS
Requested: Finance Date: 11-7-23
Council Presentation: 11-21-2023
Suspension of Rules: No

ORDINANCE NO. ____

CITY OF TUSCALOOSA, ALABAMA

regarding

Maximum Principal Amount

\$4,000,000

GENERAL OBLIGATION WARRANT

SERIES 2023

Adopted:

November 21, 2023

AN ORDINANCE AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY OF \$4,000,000 MAXIMUM PRINCIPAL AMOUNT GENERAL OBLIGATION WARRANT OF THE CITY OF TUSCALOOSA AND THE PAYMENT THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCALOOSA, ALABAMA (the "Municipality") as follows:

Section 1. Definitions.

(a) **Act of Insolvency** shall mean the appointment of a receiver, liquidator or trustee of the Municipality or any of its property or assets; or a general assignment by the Municipality for the benefit of the creditors thereof; or the commencement of proceedings by the Municipality, or against the Municipality and not dismissed or unstayed for a period of 60 days, under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, now or hereafter in effect.

(b) **Applicable Law** shall mean all applicable provisions of all constitutions, statutes, rules, regulations and all binding orders, judgments and decrees of any Governmental Authority.

(c) **Authorized Municipality Representative** shall mean the Mayor, Chief Financial Officer or Deputy Chief Financial Officer of the Municipality.

(d) **Code** shall mean the Internal Revenue Code of 1986, as amended.

(e) **Conforming Changes** means, with respect to Term SOFR (as defined in Section 3(f) hereof) or any Replacement Index (as defined in Section 18 hereof), any technical, administrative or operational changes to terms, matters or any conventions associated with Term SOFR or any Replacement Index, as applicable (including, any changes to the definition of Term SOFR, Replacement Index, interest period, timing and frequency of determining rates and making payments of interest, the definition of any business day, timing of borrowing requests or prepayment notices, conversion or continuation notices and the applicability and length of lookback periods or observation shifts, the applicability of breakage provisions, and any other technical, administrative or operational matters) as may be appropriate, in the discretion of the Lender, to reflect the adoption and implementation of such applicable rate, and to permit the administration thereof by the Lender in a manner substantially consistent with market practice (or, if the Lender determines that adoption of any portion of such market practice is not administratively feasible or that no market practice for the administration of such rate exists, in such other manner of administration as the Lender determines is reasonably necessary in connection with the administration of this Ordinance and the Warrant).

(f) **First Interest Rate Period** shall mean that period commencing on the date of delivery of the Warrant and continuing until and including the first to occur of (i) October 31, 2025 or (ii) the date next preceding the Second Interest Rate Period.

(g) **Fiscal Year** shall mean the twelve (12) month period ending on September 30th of each year or the fiscal year of the Municipality as established from time to time.

(h) **Governmental Authority** shall mean any federal, state, county, municipal, or other government, domestic or foreign, and any agency, authority, department, commission, bureau, board, court or other instrumentality thereof.

(i) **Interest Payment Date** means January 1, 2024 and the first day of each month thereafter until the entire principal of and interest on the Warrant has been paid.

(j) **Lender** shall have the meaning assigned in Section 3(c).

(k) **Project** shall mean the acquisition, construction and installation of certain municipal improvements, buildings and facilities, including, without limitation, a new fire station, all of which shall be owned by the Municipality and available for use by the general public.

(l) **Project Costs** shall mean all costs of the Project, including without limitation: (1) the costs of the acquisition, construction and installation of the Project, (2) expenses incurred by the Lender and the Municipality in connection with issuing the Warrant, including legal, consulting and accounting fees and the Lender's facility fee in the amount of \$4,000 (equal to 10 basis points on the maximum principal amount of the Warrant), and (3) reimbursement to the Municipality for any of the foregoing costs, fees and expenses set forth in (1) and (2) above, paid with the Municipality's funds.

(m) **Project Fund** shall mean the fund established pursuant to Section 7(a).

(n) **Second Interest Rate Period** shall mean the period commencing on the first to occur of (i) November 1, 2025 or (ii) the Interest Payment Date next succeeding the date on which the Municipality shall provide written notice to the Lender of its intent to enter into the Second Interest Rate Period and continuing until and including the date on which the entire principal of and interest on the Warrant has been paid.

(o) **Tax Certificate and Agreement** shall mean the Tax Certificate and Agreement, dated the date of delivery of the Warrant, delivered by the Municipality with respect thereto.

(p) **Warrant** shall have the meaning assigned in Section 2(a).

(q) **Warrant Fund** shall have the meaning assigned in Section 3(e).

Section 2. Findings and Representations.

The Municipality, by and through its governing body, does hereby find, determine, represent and warrant as follows:

(a) It is necessary and desirable and in the public interest for the Municipality to provide for the financing of the Project. For such purposes, the Municipality shall issue its General Obligation Warrant, Series 2023, in a maximum principal amount of \$4,000,000, as authorized and described herein (the "Warrant"), and shall use the proceeds thereof to pay the Project Costs.

(b) The Municipality is not in default with respect to any indebtedness of the Municipality, and no such default is imminent.

(c) (1) The net assessed valuation of the taxable property (including motor vehicles) in the Municipality for the preceding fiscal year (ending September 30, 2023 and on the basis of which taxes became due and payable on October 1, 2023) was not less than \$1,745,994,580.

(2) The total indebtedness of the Municipality chargeable against the debt limitation for the Municipality prescribed by Section 225 of the Constitution of Alabama of 2022, is not more than twenty percent of said assessed valuation.

(d) The population of the Municipality is 99,600 according to the 2020 United States Census.

Section 3. Authorization, Description, Payment and Form of Warrant.

(a) The Municipality shall borrow an amount not to exceed \$4,000,000 in such amounts and at such times as shall be necessary for the purposes set forth in Section 2 hereof, and the Municipality shall issue therefor its General Obligation Warrant, Series 2023, in the following principal amount and of the following number, to the following financial institution to evidence a loan extended by such institution to the Municipality for such purposes:

<u>Warrant No.</u>	<u>Principal Amount</u>	<u>Institution</u>
R-1	\$4,000,000	Regions Capital Advantage, Inc.

(b) The Warrant shall be dated the date of issuance; shall bear interest at the per annum rate or rates; shall be payable in installments of principal and interest in such amounts, at such times and in such manner; shall be subject to redemption prior to maturity; and shall be registered and subject to transfer; all as provided in the form of the Warrant in subsection (f).

(c) The principal of and interest on the Warrant shall be payable in lawful money of the United States of America, at the principal office of the registered owner thereof (the "Lender"), in Birmingham, Alabama, at par and without discount, exchange or deduction or charge therefor.

(d) The indebtedness evidenced and ordered paid by the Warrant shall be a general obligation of the Municipality for the punctual payment of the principal of and interest on which the full faith, credit and taxing power of the Municipality are hereby irrevocably pledged.

(e) There is hereby established a regular fund designated the Series 2023 Warrant Fund (the "Warrant Fund") which shall be held by the bank named as paying agent for the Warrant. The Municipality shall pay or cause to be paid into the Warrant Fund from time to time such sums as shall be sufficient to provide for the payment of the principal of and interest on the Warrant as it matures and comes due.

(f) The Warrant shall be in substantially the following form and content, with such changes or additions thereto or deletions therefrom as the Mayor executing the Warrant shall approve, which approval shall be conclusively evidenced by his executing the Warrant as hereinafter provided:

THIS WARRANT MAY ONLY BE TRANSFERRED TO EITHER (A) A “QUALIFIED INSTITUTIONAL BUYER” AS DEFINED IN RULE 144A UNDER THE SECURITIES ACT OF 1933 OR (B) AN “ACCREDITED INVESTOR” AS DEFINED IN 17 CFR SECTION 230.501(A).

UNITED STATES OF AMERICA
STATE OF ALABAMA

CITY OF TUSCALOOSA
GENERAL OBLIGATION WARRANT
SERIES 2023

No. R-1

Dated Date:

Maturity Date:

November 28, 2023

November 1, 2028

The CITY OF TUSCALOOSA, a municipal corporation organized and existing under and by virtue of the laws of the State of Alabama (the "Municipality"), for value received, hereby acknowledges itself indebted to, and does hereby order and direct the Chief Financial Officer of the Municipality to pay, solely from the Warrant Fund hereinafter referenced, to

REGIONS CAPITAL ADVANTAGE, INC.

(the "Lender") or registered assigns the principal amount of

FOUR MILLION DOLLARS
(\$4,000,000)

or so much thereof as may be advanced hereunder, as hereinafter provided, together with interest on the unpaid balance of said principal amount outstanding hereunder from time to time, from the date advanced until payment in full, at a per annum rate of interest (computed on an 30/360 Basis) equal to the Applicable Rate (as hereinafter defined), as adjusted from time to time as hereinafter provided, such principal and interest being payable in installments as follows:

(a) On January 1, 2024, and continuing on the 1st day of each month thereafter, until and including November 1, 2025, the interest accrued on the principal amount outstanding; and

(b) on December 1, 2025 and continuing on the 1st day of each month thereafter, until and including October 1, 2028, an amount equal to the amount necessary to be paid in equal monthly installments of principal and interest to fully amortize the outstanding principal amount of this Warrant as of the first such payment date at the Applicable Rate then in effect over the then remaining term of this Warrant, each such amount to be applied first to the payment of interest accrued on such aggregate principal amount of this Warrant and then to the reduction thereof; and

(c) on the above Maturity Date, unless sooner paid, an amount equal to the entire unpaid principal balance of this Warrant plus interest accrued thereon to such date of payment.

Definitions

For purposes hereof, the following terms have the following meanings:

30/360 Basis shall mean a method of computing interest or other charges hereunder on the basis of an assumed year of 360 days of 12 consecutive months of 30 days each.

Applicable Rate shall mean: -

(a) the Tax-Exempt Rate for the period beginning on the date of delivery of this Warrant and ending on the date immediately preceding the Taxability Date; and

(b) upon the occurrence of a Determination of Taxability, the Taxable Rate for the period beginning on the Taxability Date and continuing thereafter.

Business Day shall mean any day other than a Saturday, a Sunday, or a day on which the Lender is authorized to be closed under general law or regulation applicable in the place where the Lender performs its business with respect to this Warrant.

Default Rate shall mean a per annum rate of interest equal to the Applicable Rate plus two percent (2.0%), provided, however, the Default Rate shall never exceed the maximum rate of interest permitted by law.

Determination of Taxability shall mean, and shall occur when, (i) the Lender receives written notice from the Municipality, supported by an Opinion of Counsel, that interest on the Warrant is Taxable or (ii) the Internal Revenue Service shall issue a final determination in writing that interest on the Warrant is Taxable; provided, that a Determination of Taxability shall not be deemed to have occurred until and unless Municipality is afforded reasonable opportunity (at the expense of the Municipality and for a period not to exceed 2 years) to pursue any judicial or administrative remedy available to the Municipality with respect to such determination and avail itself of such opportunity by appropriate proceedings diligently pursued.

Dollars shall mean the lawful money of the United States of America.

First Interest Rate Period shall mean that period commencing on the date of delivery of the Warrant and continuing until and including the first to occur of (i) October 31, 2025 or (ii) the date next preceding the Second Interest Rate Period.

Interest Payment Date means January 1, 2024 and the first day of each month thereafter until the entire principal of and interest on this Warrant has been paid.

Interest Period means each period commencing on the last day of the immediately preceding Interest Period and ending on the same day of the month that interest is due one month thereafter; provided (i) the first Interest Period shall commence on the date hereof and end on the first day thereafter that interest is due; (ii) any Interest Period that ends in a month for which there is no day which numerically corresponds to the last day of the immediately preceding Interest Period shall end on the last day of the month; and (iii) any Interest Period that would otherwise extend past the maturity date of this Warrant shall end on the maturity date of this Warrant.

Second Interest Rate Period shall mean the period commencing on the first to occur of (i) November 1, 2025 or (ii) the Interest Payment Date next succeeding the date on which the Municipality shall provide written notice to the Lender of its intent to enter into the Second Interest Rate Period and continuing until and including the date on which the entire principal of and interest on the Warrant has been paid.

SIFMA Business Day means any day that is not (i) a Saturday, (ii) a Sunday, or (iii) a day on which the Securities Industry and Financial Markets Association recommends that the fixed income departments of its members be closed for the entire day for purposes of trading in United States government securities.

SOFR means a rate per annum equal to the secured overnight financing rate administered by the Federal Reserve Bank of New York (or a successor administrator of the secured overnight financing rate).

Taxability Date shall mean the earliest date from which interest paid in respect of this Warrant is determined to be Taxable.

Taxable shall mean that, for purposes of federal income taxation, the interest accrued on this Warrant is includable in gross income for federal income tax purposes; provided, however, that this Warrant shall only be deemed taxable due to an action or omission of the City and not due to any change in law.

Taxable Rate shall mean an interest rate per annum (fixed, or variable subject to periodic adjustment) that would provide the Lender an after-tax yield on the then outstanding principal amount of this Warrant equal to the after-tax yield the Lender would have received if a Determination of Taxability had not been made.

Tax-Exempt Rate shall mean:

(1) during the First Interest Rate Period, a variable, per annum rate of interest equal to 79% of Term SOFR plus 0.59%; and

(2) during the Second Interest Rate Period, a fixed, per annum rate of interest equal to (i) the product of 79% of the prevailing 5-year U.S. Treasury rate, appearing as the most recent closing price of such 5-year U.S. Treasury rate on the U.S. Department of the Treasury website plus (ii) 0.92%, as determined on the last day of the First Interest Rate Period.

Term SOFR means with respect to any Interest Period the forward-looking term rate based on SOFR for a period comparable to the term of such Interest Period as published by the Term SOFR Administrator (or as published by such other comparable financial information reporting service used by Lender, in its sole discretion, at the time such rate is determined) on the day that is two (2) SIFMA Business Days prior to the first day of such Interest Period (or if not so reported, then as determined by the Lender from another recognized source, in Lender's sole discretion), subject to any corrections published by the Term SOFR Administrator. In any event, Term SOFR will not be less than three percent (3.0%) per annum.

Term SOFR Administrator means the CME Group Benchmark Administration Limited (CBA) (or a successor administrator of Term SOFR selected by the Lender in its sole discretion).

Determination of Interest Rate

The Applicable Rate shall apply only to the principal amount of this Warrant which shall have been advanced and be outstanding.

Any amount of principal of this Warrant that shall not be paid when due shall bear interest at a per annum rate equal to the Default Rate from the scheduled date of payment to the date such payment thereof is made.

Payment

Payment of the principal hereof and interest hereon shall be made at the office of the Lender in Birmingham, Alabama or at such other place as shall be designated by the Lender to the Municipality in writing. All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts.

This Warrant will be subject to prepayment and redemption on December 1, 2025 and thereafter at the option of the Municipality, in whole or part, on any Business Day at a redemption price equal to 100% of the principal amount of this Warrant to be redeemed, plus accrued interest thereon to the date fixed for redemption, without premium or penalty. All partial prepayments of principal shall be applied in inverse order of maturities.

This Warrant evidences a draw-down loan extended by the Lender to the Municipality. The proceeds of the loan evidenced hereby will be advanced by the Lender to the Municipality in installments as requested by the Municipality (as to amount and date). So long as no Event of Default shall have occurred and be continuing, the Lender shall make advances to or as directed by the Municipality in an aggregate amount not exceeding the principal amount of this Warrant.

Should any payment of the principal hereof or interest hereon be due and payable on any day that is not a Business Day, then such payment shall be due and payable on the next succeeding Business Day.

Authorization; Security

This Warrant is issued pursuant to the Constitution and laws of the state of Alabama, including, without limitation, Section 11-47-2 of the Code of Alabama (1975), to provide funds to be used in furtherance of the power and authority therein authorized, and an ordinance and proceedings of the governing body of the Municipality duly passed, held and conducted (the "Authorizing Proceedings").

The indebtedness evidenced by this Warrant is a general obligation of the Municipality, and the full faith and credit of the Municipality are hereby sacredly and irrevocably pledged to the punctual payment of the principal hereof and interest hereon.

The Municipality has established in the Authorizing Proceedings a regular fund designated the "Series 2023 Warrant Fund" (the "Warrant Fund") for the payment of the principal of, premium, if any, and interest on this Warrant and has obligated itself to pay or cause to be paid into the Warrant Fund sums sufficient to provide for the payment of the principal of and interest on this Warrant as the same shall become due and payable.

This Warrant shall be valid and enforceable as to the aggregate principal amount advanced at any time hereunder, whether or not the full face amount hereof is advanced.

Registration and Transfer

This Warrant is recorded and registered as to principal and interest in the name of the owner on the book of registration maintained for that purpose by the Municipality. The person in whose name this Warrant is registered shall be deemed and regarded as the absolute owner hereof for all purposes and payment of the principal of and interest on this Warrant shall be made only to or upon the order of the registered owner hereof or his legal representative, and neither the Municipality nor any agent of the Municipality shall be affected by any notice to the contrary. Payment of principal of and interest on this Warrant shall be valid and effectual to satisfy and discharge the liability of the Municipality upon this Warrant to the extent of the amounts so paid.

This Warrant may be transferred only upon written request of the registered owner or his legal representative addressed to the Municipality, such transfer to be recorded on said book of registration and endorsed hereon by the Municipality. Upon presentation to the Municipality for transfer, this Warrant must be accompanied by a written instrument or instruments of transfer satisfactory to the Municipality, duly executed by the registered owner or his attorney duly authorized in writing, and the Municipality shall endorse on the schedule attached hereto for such purpose the principal amount of this Warrant unpaid and the interest accrued hereon to the date of transfer. No charge shall be made for the privilege of transfer, but the registered owner of this Warrant requesting any such transfer shall pay any tax or other governmental charge required to be paid with respect thereto.

This Warrant may only be transferred to either (a) a “qualified institutional buyer” as defined in Rule 144A under the Securities Act of 1933 or (b) an “accredited investor” as defined in 17 CFR Section 230.501(a) and upon compliance with state and federal securities laws.

General

No covenant or agreement contained in this Warrant or in the Authorizing Proceedings shall be deemed to be a covenant or agreement of any officer, agent, employee, or member of the governing body of the Municipality in the individual capacity thereof and none of such parties or persons nor any officer executing this Warrant shall be liable personally on this Warrant or be subject to any personal liability or accountability by reason of the issuance of this Warrant.

It is hereby recited, certified and declared that the indebtedness evidenced and ordered paid by this Warrant is lawfully due without condition, abatement or offset of any description, that this Warrant has been registered in the manner provided by law, that all acts, conditions and things required by the Constitution and laws of the State of Alabama to happen, exist and be performed precedent to and in the execution, registration and issuance of this Warrant, and the adoption of the Authorizing Proceedings, have happened, do exist and have been performed as so required, and that the principal amount of this Warrant and all other indebtedness of the Municipality are within every debt and other limit prescribed by the Constitution and laws of the State of Alabama.

IN WITNESS WHEREOF, the Municipality, acting by and through its governing body, has caused this Warrant to be executed in its name and on its behalf, under seal, by its Mayor and attested by its City Clerk, and has caused this Warrant to be dated the Dated Date first above written.

CITY OF TUSCALOOSA, ALABAMA

By _____
Mayor

SEAL

Attest: _____
City Clerk

Registration Certificate

It is hereby certified that this Warrant and the interest thereon have been registered by the undersigned as a claim against the City of Tuscaloosa, Alabama and the Warrant Fund herein referenced.

Chief Financial Officer of the City of Tuscaloosa, Alabama

REGISTRATION OF OWNERSHIP

This Warrant is recorded and registered on the registry books of the City of Tuscaloosa in the name of the last owner named below. The principal of and interest on this Warrant shall be payable only to or upon the order of such registered owner.

<u>Date of Registration</u>	<u>In Whose Name Registered</u>	<u>Signature of Chief Financial Officer of Municipality</u>
<u>Dated Date</u>	<u>Regions Capital Advantage, Inc.</u>	_____
_____	_____	_____
_____	_____	_____

**ENDORSEMENT BY MUNICIPALITY OF UNPAID
PRINCIPAL AND ACCRUED INTEREST
ON DATE OF TRANSFER**

<u>Date of Transfer</u>	<u>Principal Unpaid</u>	<u>Accrued Interest on Date of Transfer</u>	<u>Signature of Chief Financial Officer of Municipality</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Section 4. Execution of the Warrant.

The Warrant shall be executed in the name and on behalf of the Municipality by the Mayor and shall be attested by the Clerk of the Municipality, and the official seal of the Municipality shall be imprinted thereon. The Warrant and the interest thereon shall be registered by the Chief Financial Officer of the Municipality in the records maintained by said Chief Financial Officer as a charge against the Municipality and the Warrant Fund. The registration of ownership of the Warrant shall be executed by the Chief Financial Officer of the Municipality, who shall also make the endorsements required at the time of any transfer of the Warrant. Said officers are hereby directed to so execute, attest and register the Warrant and to make the appropriate endorsements and notations thereon.

Section 5. Sale and Delivery of Warrant.

The Mayor and the Clerk are hereby authorized and directed to effect delivery of the Warrant and in connection therewith deliver such closing papers containing such representations as are required to demonstrate the legality and validity of the Warrant, the absence of pending or threatened litigation with respect thereto, and the exemption of the interest on the Warrant from federal and state income tax.

Section 6. Mutilated, Lost, Stolen or Destroyed Warrant.

(a) In the event the Warrant is mutilated, lost, stolen or destroyed, the Municipality shall execute and deliver a new warrant of like date and denomination, provided that, in the case of a mutilated warrant, such mutilated warrant shall first be surrendered to the Municipality, and in the case of a lost, stolen or destroyed Warrant, there first shall be furnished to the Municipality (i) evidence of such loss, theft or destruction satisfactory to the Municipality and (ii) certain indemnity satisfactory to the Municipality. In the event the Warrant shall have matured, the Municipality, instead of issuing a duplicate warrant, may pay the same without surrender thereof, making such requirements as it deems fit. The Municipality may charge the Lender with the reasonable fees and expenses for any such service.

(b) In the event that the Lender fails to present the Warrant at maturity, the Lender shall not be entitled to any payment other than the outstanding principal thereof and the interest accrued to such maturity date, and the Warrant shall no longer be entitled to the benefits of this Ordinance, except for the payment of the principal thereof and the interest thereon.

Section 7. The Project Fund; Application of Proceeds of the Warrant.

(a) There is hereby established an account of the Municipality held at a financial institution designated by the Municipality, designated the "Project Fund".

(b) The Lender shall deposit in the Project Fund the principal proceeds of the Warrant as provided in Section 7(c). The Municipality shall use the proceeds of the Warrant solely for the purposes of paying Project Costs.

(c) (1) So long as no Event of Default occurs and is continuing, the Lender shall, in accordance with the Lender's practices in effect from time to time, make advances of funds (separately, an "Advance" and collectively, the "Advances") into the Project Fund, for the Project Costs upon receipt of a requisition or payment request in substantially the form as Appendix A hereto completed and signed by any Authorized Municipality Representative. Advances may be made only during the First Interest Rate Period and will be limited to one per month, and the minimum amount of any advance shall be \$150,000.

(2) The Lender shall record on its internal records (which may be kept by computer or other means) the principal amount of each Advance and the determination and certification by the Lender of the outstanding aggregate principal amount of the Advances from time to time shall be conclusive for all purposes absent manifest error.

(d) Upon the payment of all Project Costs, and if no Event of Default shall have then occurred and be continuing, any amounts remaining in the Project Fund may be applied by the Municipality to the prepayment of the principal of the Warrant in accordance with the terms thereof and without premium or penalty.

Section 8. Amendment of Description of Project or Uses of Warrant Proceeds.

The Municipality may amend or change the description of the Project or the uses of Warrant proceeds contained in this ordinance, provided that: (1) the governing body of the Municipality adopts a resolution or ordinance setting forth such amendment or change, (2) the uses, as so amended or changed, are eligible for financing with proceeds of warrants issued pursuant to Section 11-47-2 of the Code of Alabama 1975, (3) such amendment or change will not cause the amount of the Warrant chargeable against the Municipality's constitutional limitation on indebtedness to increase, and (4) such change or amendment will not violate the covenants or agreements of the Municipality set forth in Section 10 hereof.

Section 9. Expenses of Collection.

The Municipality covenants and agrees that, if the principal of and interest on the Warrant are not paid promptly as such principal and interest matures and comes due, it will pay to the registered owner of the Warrant or its registered assignees, all expenses incident to the collection of any unpaid portion thereof, including, without limitation, a reasonable attorney's fee.

Section 10. Covenants With Respect to Federal Tax Exemption for Interest.

(a) The Municipality hereby covenants and agrees with the Lender that it will duly and punctually observe and perform all agreements and covenants thereof under the Tax Certificate and Agreement.

(b) The Municipality hereby covenants and agrees with the registered owner of the Warrant that, to the extent permitted by law, it will not take any action, or omit to take any action, with respect to the Warrant that would cause the interest on the Warrant not to be and remain excludable from gross income pursuant to the provisions of Section 103 of the Code.

Section 11. Reporting Requirements of the Municipality.

(a) The Municipality shall furnish to the Lender each of the following:

(i) Annual Financial Statements. As soon as available, and in any event within 270 days after the close of each Fiscal Year of the Municipality, the complete financial statements of the Municipality, including the balance sheet as of the end of such Fiscal Year and the related statements of revenues, expenditures and changes in fund balances, government-wide statement of net position, and government-wide statement of activities and changes in net position for such Fiscal Year, setting forth in each case in comparative form the corresponding figures for the preceding Fiscal Year, all in reasonable detail, audited and prepared by an independent certified public accountant (reasonably satisfactory to the Lender) in accordance with generally accepted accounting principles, consistently applied and fairly presenting the financial condition of the Municipality, as of the end of such Fiscal Year, and stating that in making the examination necessary to such audit such independent certified public accountant shall have obtained no knowledge, except as specifically stated, of any Event of Default.

(ii) Other Information. Such other information respecting the business, properties or the condition or operations, financial or otherwise, of the Municipality, as the Lender may from time to time reasonably request.

(b) The Municipality may satisfy the requirements of Section 11(a) by posting the required information on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access website ("EMMA") by the required date. Once posted by the Municipality in compliance with Section 11(a), it shall be the sole responsibility of the Lender to obtain the information from EMMA.

Section 12. Events of Default.

The occurrence of any one or more of the following shall constitute an event of default (an "Event of Default") under this Ordinance (whatever the reason for such event and whether it shall be voluntary or involuntary or be effected by operation of law or pursuant to any judgment, decree or order of any court or any order, rule or regulation of any governmental authority:

(a) failure of the Municipality to pay any amount of the principal of or interest on the Warrant, as and when the same shall become due and payable; or

(b) an Act of Insolvency occurs.

Section 13. Availability of Remedies.

(a) The Municipality agrees (i) the registered owners of the Warrant shall have all rights and remedies for the enforcement of the Warrant and this Ordinance as may be provided by the laws of the State of Alabama, and (ii) the Chief Financial Officer of the Municipality is subject to mandamus in the event such officer has money available for payment of principal of and interest on the Warrant and does not, as required by this Ordinance, deposit such money in the Warrant Fund, when and as required by Section 3(e) of this Ordinance in each Fiscal Year, and apply such proceeds (and investment earnings thereon) to the payment of the principal of and interest on the Warrant when and as the same become due and payable in each Fiscal Year in amounts sufficient for such purposes.

(b) No remedy herein conferred upon or reserved to the Municipality or the Lender is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall, to the extent permitted by law, be cumulative and in addition to every other remedy given under this Ordinance or now or hereafter existing at law or in equity or otherwise. No delay or omission by the Municipality or the Lender to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof but any such right or power may be exercised from time to time and as often as may be deemed expedient.

(c) All rights, remedies and powers provided by this Section may be exercised only to the extent the exercise thereof does not violate any applicable provision of law in the premises, and all the provisions of this Section are intended to be subject to all applicable mandatory provisions of law which may be controlling in the premises and to be limited to the extent necessary so that they will not render this Ordinance invalid or unenforceable.

Section 14. Participations.

The Municipality agrees that the Lender may from time to time enter into a participation agreement or agreements with one or more persons (the "Participants"), pursuant to which the Participants shall be given participations in the Warrant, and that the Participants may from time to time similarly grant to one or more other persons (also included in the term "Participants") subparticipations in the Warrant; provided, that (i) no participation shall increase any liability of the Municipality, and (ii) the Municipality shall have no direct obligation or responsibility to a Participant and shall correspond and deal only with the Lender for the observance and performance of the respective obligations of the Municipality and the Lender under this Ordinance. Any Lender may divulge to any Participant all information, reports, financial statements, certificates and documents obtained by it from the Municipality or any other person under any provisions of this Ordinance or otherwise.

Section 15. Privately Negotiated Loan; Role of Lender.

(a) The Municipality acknowledges and agrees that the Lender is purchasing the Warrant in evidence of a privately negotiated loan, and, in that connection, the Warrant shall not be (i) assigned a separate rating by any municipal securities rating agency, (ii) registered with DTC or any other securities depository, (iii) issued pursuant to any type of offering document or official statement or (iv) assigned a CUSIP number by Standard & Poor's CUSIP Service.

(b) The Municipality acknowledges that Regions Capital Advantage, Inc. ("Lender") and their representatives are not registered municipal advisors and do not provide advice to municipal entities or obligated persons with respect to municipal financial products or the issuance of municipal securities (including regarding the structure, timing, terms and similar matters concerning municipal financial products or municipal securities issuances) or engage in the solicitation of municipal entities or obligated persons for the provision by non-affiliated persons of municipal advisory services and/or investment advisory services. With respect to this Ordinance and any information, materials or communications provided by Lender: (a) Lender and its representatives are not recommending an action to any municipal entity or obligated person; (b) Lender and its representatives are not acting as an advisor to any municipal entity or obligated person and do not owe a fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934 to any municipal entity or obligated person with respect to such Ordinance, information, materials or communications; (c) Lender and its representatives are acting for their own interests; and (d) the Municipality has been informed that Municipality should discuss this Ordinance and any such other information, materials or communications with any and all internal and external advisors and experts that the Municipality deems appropriate before acting on this Ordinance or any such other information, materials or communications.

Section 16. Interest Rate Index Disclaimer.

Lender does not warrant or accept responsibility for, and shall not have any duty to Municipality or liability for damages of any kind to Municipality with respect to the initiation of, continuation of, administration of, submission of, suspension of, calculation of or any other matter related to Term SOFR, any component thereof, or any markets underpinning the transaction data related to Term SOFR. Municipality acknowledges that any publication of Term SOFR for prior periods cannot be relied upon as an indicator of the future performance of Term SOFR. Because Term SOFR is based on data received from other sources, Lender has no control over its calculation or publication and the methods of calculation, publication schedule, rate revision practices, or availability of Term SOFR, or any other matter related thereto. There can be no assurance that Term SOFR will not be discontinued or fundamentally altered in a manner adverse to any party. Lender may select information sources or services, in its sole discretion, to ascertain Term SOFR and shall have no liability to the Municipality for damages of any kind for any error in the calculation of any such rate (or component thereof) provided by any such information sources or services.

Section 17. Conforming Changes.

In connection with the use or administration of Term SOFR or Replacement Index, the Lender will have the right to make Conforming Changes from time to time and, notwithstanding anything to the contrary herein or in the Warrant, any amendments implementing such Conforming Changes will become effective without any further action or consent of any other party to this Ordinance or the Warrant.

Section 18. Substitute Interest Rate Index.

If Lender at any time or from time to time determines that (a) Term SOFR is unavailable, (b) Term SOFR cannot be determined, (c) Term SOFR does not adequately reflect the cost to Lender of making, funding, or maintaining the loan evidenced by the Warrant, (d) the use of Term SOFR has become impracticable or unreliable, (e) Term SOFR is no longer representative of the underlying market or economic reality, or (f) it is no longer lawful for Lender to lend at any rate based on Term SOFR (any such determination is hereafter called a "Trigger Event") then, Lender may elect to designate a substitute interest rate index, which may be Term SOFR, Daily Simple SOFR, or an alternate index rate that has been selected by Lender as the replacement for Term SOFR (the "Replacement Index"). If Lender designates a Replacement Index, Lender may also determine at such time or from time to time thereafter that a margin adjustment is necessary to produce a comparable interest rate to the interest rate that would have applied based on the Term SOFR. Upon such determination, Lender will designate the amount of such margin adjustment (which may be a positive or a negative number) and adjust the margin by that amount (and the result will be the "Adjusted Margin"). Lender will provide notice to Municipality of the Replacement Index, any margin adjustment, and the Adjusted Margin, as applicable. Commencing with the first interest rate change thereafter, the Replacement Index shall be deemed to be and shall become the operative interest rate index for purposes of this Ordinance, and the Warrant shall continue to bear interest on the unpaid principal amount through repayment thereof at the Replacement Index plus the Margin or the Adjusted Margin, as applicable (subject to (i) any interest rate floor set out in this Agreement and (ii) increase to or by any applicable default rate). In any event, the Replacement Index will not be less than any minimum index floor otherwise provided in this Agreement. The Replacement Index may not necessarily be the Lender's most favorable lending rate or interest rate index. Any determination or designation made by Lender under this paragraph shall be made in Lender's sole and absolute discretion and shall be conclusive and binding absent manifest error. In connection with the implementation of a Replacement Index and, as applicable, the Adjusted Margin, Lender will have the right from time to time, without any further action or consent of Municipality or any other party, to implement any technical, administrative, or operational changes that Lender decides may be appropriate to reflect the adoption and implementation of such Replacement Index and, as applicable, the Adjusted Margin and to permit the administration thereof by Lender in a manner substantially consistent with market practice (or, if Lender determines that adoption of any portion of such market practice is not administratively feasible or if Lender determines that no market practice for the administration of such

Replacement Index and, as applicable, the Adjusted Margin exists, in such other manner of administration as Lender decides is reasonably necessary in connection with the administration of the loan). Such technical, administrative, or operational changes may include, without limitation, changes to the determination of a business day or an interest period, the timing and frequency of determining rates and making and applying payments, implementation and length of any lookback period, and other technical, administrative, or operational matters.

Section 19. Prohibited Use of Proceeds.

No portion of the proceeds of this Loan or any Advance shall be used (i) to finance or refinance any commercial paper issued by Municipality, or (ii) in any manner that causes or might cause this loan or such advance or the application of such advance to violate Regulation T, Regulation U or Regulation X of the Board of Governors of the Federal Reserve System as in effect from time to time or any other regulation thereof or to violate the federal Securities Exchange Act.

Section 20. Patriot Act.

The Municipality represents and warrants to the Lender that neither it nor any of its principals, shareholders, members, partners, or affiliates, as applicable, is a person named as a Specially Designated National and Blocked Person (as defined in Presidential Executive Order 13224) and that it is not acting, directly or indirectly, for or on behalf of any such person. The Municipality further represents and warrants to the Lender that the Municipality and its principals, shareholders, members, partners, or affiliates, as applicable, are not directly or indirectly, engaged in, nor facilitating, the transactions contemplated by this transaction on behalf of any person named as a Specially Designated National and Blocked Person.

Section 21. Waiver of Jury Trial.

To the extent permitted by applicable law, the Municipality irrevocably and voluntarily waives any right it may have to a trial by jury with respect to any controversy or claim between the Municipality and the Lender, whether arising in contract or tort or by statute, including but not limited to any controversy or claim that arises out of or relates to this Ordinance, the Warrant or any other document related to the issuance thereof. This provision is a material inducement for the Lender's determination to acquire the Warrant and for the parties to enter into the documents related thereto, including, without limitation adoption of this Ordinance.

Section 22. Governing Law.

The provisions of this Ordinance shall be governed by the laws of the State of Alabama.

Section 23. Severability.

The provisions of this ordinance are severable. In the event that any one or more of such provisions or the provisions of the Warrant shall, for any reason, be held illegal or invalid, such illegality or invalidity shall not affect the other provisions of this ordinance or of the Warrant, and this ordinance and the Warrant shall be construed and enforced as if such illegal or invalid provision had not been contained herein or therein.

Section 24. Repeal of Conflicting Provisions.

All ordinances, resolutions and orders or parts thereof in conflict or inconsistent with this ordinance are, to the extent of such conflict or inconsistency, hereby repealed.

Section 25. Provisions of Ordinance a Contract.

The terms, provisions and conditions set forth in this ordinance constitute a contract between the Municipality and the registered owner of the Warrant and shall remain in effect until the principal of and interest on the Warrant shall have been paid in full.

Appendix A

To: Regions Capital Advantage, Inc.,
as Lender under
an Ordinance duly adopted by
the City Council of the City of Tuscaloosa
on November 21, 2023

No. _____

A requisition or payment request is hereby made to you, as holder of the Project Fund under an Ordinance No. ____ duly adopted by the City Council of the City of Tuscaloosa on November 21, 2023, regarding the City's General Obligation Warrant, Series 2023, for the payment of

\$ _____ to _____
(Name of Person, firm or corporation to whom payment is to be made)

whose address is _____

for payment of the following Project Costs:

The Municipality does hereby certify that (a) the purpose for which such advance is to be made is one for Project Costs, (b) no Event of Default exists, and (c) such Advance will not cause or result in an Event of Default. The Advance should be funded to Project Fund pursuant to the wiring instructions attached as Schedule I hereto.

This _____ day of _____, 20__.

CITY OF TUSCALOOSA, ALABAMA

By _____

Its _____

**SCHEDULE I
TO APPENDIX A**

Wiring Instructions

The foregoing Ordinance is adopted on this 21st day of November, 2023.

Council President

S E A L

Attest: _____
City Clerk

Transmitted to and approved by the Mayor this 21st day of November, 2023.

Mayor of the City of Tuscaloosa, Alabama

FUNDING REQUIRED: Yes No

By: _____
Finance Director

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

ORDINANCE NO. _____

AN ORDINANCE REAPPOINTING MEMBERS TO THE
TUSCALOOSA METRO ANIMAL SHELTER ADVISORY COMMITTEE

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

THAT Kip Tyner be, and is hereby, reappointed to a term on the Tuscaloosa Metro Animal Shelter Advisory Committee, said term to expire November 2, 2027 (Reference: Ordinance No. 5982 adopted November 2, 1999)

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT OF BILLS

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Chief Financial Officer be, and he is hereby, authorized to draw vouchers on municipal funds in the amounts shown, payable to the identified individuals/organizations for the purposes stated, and the Mayor and City Clerk are authorized to sign said vouchers:

CBA Properties, LLC. <i>Release of maintenance bond 1419 6th Street</i>	\$1,189.68
Rachel Clark <i>River Market event rental refund</i>	\$706.10
Diane Mode <i>River Market event rental refund</i>	\$667.26
Michael D. Smith <i>Substitute Municipal Court Judge on 11/2 & 11/3</i>	\$595.00
Blue Cross Blue Shield <i>November 2023 Access Health</i>	\$50,732.00
Daniel C. Lemley <i>Attorney fee for Client Case #CC-2022-399</i>	\$1,603.00
Account No: 059075 <i>Final Bill Refunds October 2023</i>	\$912.33
Account No: 060104 <i>Final Bill Refunds October 2023</i>	\$1,207.61

TRAVEL AND TRAINING

Michael Daugherty (TFR) <i>Wildland Fire Origin and Cause Determination Training transportation/ meal reimbursement</i>	\$540.79
Beau Hunter (TFR) <i>World Firefighter Competition travel reimbursement</i>	\$422.00
Heather Hill (CNS) <i>Southern Conference on Homeless and Housing meal/lodging/ travel reimbursement</i>	\$954.75

TOTAL: \$59,530.52
Prepared: Assistant City Clerk
Requested: Accounting & Finance
Agenda: 11-21-2023

Copies of bill documentation are on file in the Office of the
City Clerk and are available for review upon request.