

TUSCALOOSA CITY COUNCIL MEETING AGENDA

Tuesday, April 23, 2024

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

Council Committee Reports

Clerk's Report of Mayor's Veto

6. CONSENT AGENDA: (items "a through g") 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. Authorizing settlement of the worker's compensation claim of Jeremy T. Bushey; total: \$818.40 (OCA-24-0441). **P4**
- b. Authorizing payment to Donald Price in settlement of a claim; total: \$1,000.00 (OCA-24-0465). **P5**
- c. Authorizing payment to Spire in settlement of a claim; total: \$924.00 (OA-24-0373). **P6**
- d. Authorizing payment to Charles Spurlin in settlement of a claim; total: \$605.00 (OCA-24-0524). **P7**

- e. Authorizing Change Order No. 1 for the Hilliard N. Fletcher WRRF Outfall Repairs Project (OCA-24-0213/W&S Project: 2024.722.001). **PP8-9**
- f. Authorizing Change Order No. 2 for Rice Mine Road NE 200 Block Storm Infrastructure Repair Project (A22-1415/2022.003.001). **PP10-11**
- g. Declaring property surplus and authorizing its disposal. **P12**

7. PUBLIC HEARINGS

Ordering the demolition of the structure at 3209 20th Street. **P13**

Authorizing Zoning Amendment No. 1524 rezoning approximately 1.08 acres located at 4612 Rice Mine Rd. NE from R-1 to BN (TTL, Inc; OCA-24-0376/ Z-02-24) **(Introduced 3-26-24). PP14-15**

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

Authorizing the Mayor to execute a letter for the Tuscaloosa Housing Authority in regard to the consistency of the Public Housing Authority Designated Housing Plan with the Consolidated Plan with special emphasis on elderly designation housing (OCA-24-0474). **P16**

Authorizing the Office of Community and Neighborhood Services to make budget and program changes through a local amendment to the 2016 Action Plan of the City's Five-Year Consolidated Plan for Community Planning and Development Programs for PY 2015-2019 (OCA-24-0478). **P17**

Authorizing the Office of Community and Neighborhood Services to make budget and program changes through a local amendment to the 2020 Action Plan of the City's Five-Year consolidated plan for the Community Planning and Development Programs for PY 2020-2024 (OCA-24-0479). **P18**

Authorizing additional funding to 2022 Home Investment Partnership Program (HOME) Contract with Habitat for Humanity of Tuscaloosa for the development of affordable housing; total contract amount: \$284,072.15 (OCA-24-0487). **P19**

Rejecting all bids for ready-mix concrete; Bid No. 9070-040224-1. **P20**

Authorizing a contract for professional engineering and related services with Duncan Coker, P.C. for the City Hall Parking Deck Storm Drainage Project; total: \$5,900.00 (OCA-24-0486). **P21**

Authorizing a minor public works contract with M.A.G. Contractors, LLC; total: not to exceed \$6,760.00 (OCA-24-0493). **P22**

Authorizing the Chief Information Officer to execute agreements, amendments and related documents for services provided to the City of Tuscaloosa by Uniti Fiber (OCA-23-0658). **P23**

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

Annexing Approximately 0.4 acres located at 11637 Tierce Patton Rd to the corporate limits of the City of Tuscaloosa; Saylor Family Holdings, LLC (AN-07-24/OCA-24-0523). **(may be adopted by unanimous consent following introduction). PP24-25**

Amending sections 21-90 through 21-99 of the Code of Tuscaloosa (OCA-24-0335). **(may be adopted by unanimous consent following introduction). PP26-32**

FOR ADOPTION

10. AUDITING ACCOUNTS

Authorizing the payment of bills; total: \$3,967.98 **P33**

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

4/19/2024

Haley S. Abbett *Haley Abbett*
Acting 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.

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW
Requested: Lit Com. Date: 04/16/2024
Presentation on: 04/23/2024
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING SETTLEMENT OF THE WORKER'S COMPENSATION
CLAIM OF JEREMY T. BUSHEY
(OCA-24-0441)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the City Attorney or his designated representative is authorized to extend a settlement offer and/or settle a claim for worker's compensation benefits for Jeremy T. Bushey due to an injury to his left thumb on November 25, 2023, in the amount of \$ 818.40 based on a 6% permanent partial impairment rating to the left thumb.

FUNDING REQUIRED: Yes No

10104010-2035

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: CJE/rd

Requested: OCA

Council Presentation: 04-23-2024

Suspension of Rules: No

RESOLUTION

**RESOLUTION AUTHORIZING PAYMENT TO
DONALD PRINCE IN SETTLEMENT OF CLAIM
(OCA-24-0465)**

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

That the Chief Financial Officer be, and she is hereby, authorized to draw a draft on the Water and Sewer Fund, and the Mayor and City Clerk are hereby authorized to execute the same, in the amount of \$1,000.00, payable to Donald Prince for reimbursement of plumber expenses related to a water main leak on or about April 2, 2024 at 2721 43rd Avenue.

Special Handling Check Request – Please return check to the Office of the City Attorney for additional processing.

FUNDING REQUIRED: Yes No

60104081-3060

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: CJE/rd

Requested: OCA

Council Presentation: 04-23-2024

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT TO
SPIRE IN SETTLEMENT OF CLAIM
(OCA-24-0373)

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

That the Chief Financial Officer be, and she is hereby, authorized to draw a draft on the Water and Sewer Fund, and the Mayor and City Clerk are hereby authorized to execute the same, in the amount of \$924.00, payable to Spire for damage caused on February 7, 2024 to a gas line on 39th Street.

Special Handling Check Request – Please return check to the Office of the City Attorney for additional processing.

FUNDING REQUIRED: Yes No

60104081-3060

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: CJE/rd
Requested by: OCA
Council Presentation: 04-23-2024
Suspension of Rules: No

RESOLUTION

**RESOLUTION AUTHORIZING PAYMENT TO
CHARLES SPURLIN IN SETTLEMENT OF CLAIM
(OCA-24-0524)**

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

That the Chief Financial Officer be, and she is hereby, authorized to draw a draft on the General Fund, and the Mayor and City Clerk are hereby authorized to execute the same, in the amount of \$605.00, payable to Charles Spurlin, when on or about March 5, 2024, City workers while weed eating in front of Mellow Mushroom restaurant located at 557 20th Avenue when a rock came up breaking the front window.

Special Handling Check Request – Please return check to the Office of the City Attorney for additional processing.

FUNDING REQUIRED: Yes No

10104081-3060

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 By: Projects Date: 04/16/2024
Council Presentation on: 04/23/2024
Suspension of Rules: NO

RESOLUTION

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR THE HILLIARD N. FLETCHER WRRF
OUTFALL REPAIRS PROJECT
(OCA-24-0213/W&S Project: 2024.722.001)**

WHEREAS, heretofore, as a result of competitive bidding or as otherwise authorized by the Alabama Competitive Bid Law, Ala. Code §41-16-50, et seq. (1975) and/or Ala. Code §39-2-1, et seq. (1975), the City of Tuscaloosa awarded a contract for the above-referenced project to REV Construction, Inc. and,

WHEREAS, it has been determined that a change order to the above-referenced contract is necessary for the following reasons:

To balance final/installed quantities versus original contract quantities

as set forth in the C.O. and accompanying documents); and,

WHEREAS, the Architect, the Engineer for the project, or the City's representative, as the case may be, have/has certified to the Council as per the attached change order request, that said change order is:

- a. Minor change of a total monetary value less than required for competitive bidding.
- b. Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work.
- c. Emergency arising during the course of work.
- d. Change or alternates provided for in the original bidding where there is no difference in price of the Change Order from the original best bid on the Alternate.
- e. Change of relatively minor terms not contemplated when the plans and specifications were prepared and the project was bid, and which are in the public interest and do not exceed ten (10) percent of the Contract Price.

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

1. That the Mayor be, and he is hereby, authorized to execute that certain change order now before the Council for the above stated project in the **DEDUCT** amount of **(\$159,055.88)**, and for the reasons so stated, by and as an act for and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

2. That the Architect or Engineer or Owner's representative, as the case may be, shall implement this change order and properly document the same pursuant to all applicable contract documents.

FUNDING REQUIRED: Yes No
62240280-23213

By: Carly Handley
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 By: Projects Date: 04/16/2024

Council Presentation on: 04/23/2024

Suspension of Rules: NO

RESOLUTION

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR
RICE MINE ROAD NE 200 BLOCK STORM INFRASTRUCTURE REPAIR PROJECT
(A22-1415/2022.003.001)**

WHEREAS, heretofore, as a result of competitive bidding or as otherwise authorized by the Alabama Competitive Bid Law, Ala. Code §41-16-50, et seq. (1975) and/or Ala. Code §39-2-1, et seq. (1975), the City of Tuscaloosa awarded a contract for the above-referenced project to Lavender, Inc. and,

WHEREAS, it has been determined that a change order to the above-referenced contract is necessary for the following reasons:

Unforeseen and unexpected changes that were presented after construction began

as set forth in the C.O. and accompanying documents; and,

WHEREAS, the Architect, the Engineer for the project, or the City's representative, as the case may be, have/has certified to the Council as per the attached change order request, that said change order is: (Mark applicable category)

- a. Minor change of a total monetary value less than required for competitive bidding.
- b. Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work.
- c. Emergency arising during the course of work.
- d. Change or alternates provided for in the original bidding where there is no difference in price of the Change Order from the original best bid on the Alternate.
- e. Change of relatively minor terms not contemplated when the plans and specifications were prepared and the project was bid, and which are in the public interest and do not exceed ten (10) percent of the Contract Price.

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

1. That the Mayor be, and he is hereby, authorized to execute that certain change order now before the Council for the above stated project in the DEDUCT amount of (\$46,240.27), and for the reasons so stated, by and as an act for and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

2. That the Architect or Engineer or Owner's representative, as the case may be, shall implement this change order and properly document the same pursuant to all applicable contract documents.

FUNDING REQUIRED: Yes No

GF-RFFI 20309030-23001 _____

By: Carly Standing
Chief Financial Officer

COUNCIL ACTION

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

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.

AUCTION

WATER & SEWER	
ITEM(S)	CITY ID NO.
Dumb Truck Bed on City ID 2525	N/A

Requested: Accounting & Finance
Prepared: Accounting & Finance
Agenda: 04/23/2024

RESOLUTION

RESOLUTION ORDERING DEMOLITION OF
THE STRUCTURE AT 3209 20th 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 3209 20th 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 23rd day of April 2024, 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 3209 20th 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.

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW III/rd

Requested: Planning Com/UD Date: 03/18/2024

Council Presentation on: 03/26/2024

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1524

(Approx. 1.08 acres located at 4612 Rice Mine Road NE—
Petitioner: TTL, Inc.)
(R-1 to BN)
(OCA-24-0376/Z-02-24)

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

That the Zoning Map of Tuscaloosa, adopted as a part of the Zoning Ordinance of Tuscaloosa be, and the same is hereby, amended and the following zoning classification is changed and established as follows:

A tract or parcel of land being located in the West half of the Southeast quarter of Section 31, Township 20 S, Range 9 W, in Tuscaloosa County, Alabama; containing one and eight hundredths (1.08) acres, more or less, and being more particularly described as follows:

As a POINT OF BEGINNING of the herein described parcel, start at the Northeast corner of Lot 1 of Hassell Subdivision, a map or plat of which is recorded in the Probate Office of Tuscaloosa County, Alabama, in plat book 12, at page 1; thence run north and along the West Right-of-Way of Rice Mine Road NE, said Right-of-Way being varying in width, for a distance of 186.63 feet to a point; thence leaving the West Right-of-Way of Rice Mine Road Ne, with an interior angle right of 100 degrees 24 minutes , run west for a distance of 258.56 feet to a point; thence with an interior angle right of 89 degrees 23 minutes, run south for a distance of 160.63 feet to a point lying on the North boundary of Lot 2 of said Hassell Subdivision; thence with an interior angle right of 95 degrees 08 minutes, run east and along the North boundary of said Hassell Subdivision for a distance of 291.45 feet to the POINT OF BEGINNING of herein described parcel, forming an interior closure angle of 75 degrees 05 minutes .

The above referenced property is presently zoned Single-Family Residential District (R-1) to be zoned Neighborhood Commercial District (BN).

DESCRIPTION APPROVED BY:



OFFICE OF URBAN DEVELOPMENT


introduced 3/26/24
(C/W-Y)

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

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


City Clerk

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: OT/LH
Requested: CD CMTE Date: 04/16/2024
Council Presentation: 04/23/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER FOR THE TUSCALOOSA HOUSING AUTHORITY IN REGARD TO THE CONSISTENCY OF THE PUBLIC HOUSING AUTHORITY DESIGNATED HOUSING PLAN WITH THE CONSOLIDATED PLAN WITH SPECIAL EMPHASIS ON ELDERLY DESIGNATION HOUSING (OCA-24-0474)

WHEREAS, The Tuscaloosa Housing Authority has provided the City of Tuscaloosa a copy of its updated Designated Housing Plan and,

WHEREAS, the Tuscaloosa Housing Authority PHA Plan is consistent with the City of Tuscaloosa Consolidated Plan and the Analysis of Impediments with special emphasis on elderly designated housing.

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

That the Mayor be, and is hereby, authorized to execute a letter by and as an act for and on behalf of the City of Tuscaloosa to the U.S. Department of Housing and Urban Development Office of Public and Indian Housing supporting that the Designated Housing Plan of Tuscaloosa Housing Authority is consistent with the Consolidated Plan and the Analysis of Impediments to the Fair Housing Choice of the City of Tuscaloosa pursuant to 24 CFR Part 91.

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: 04/16/2024
Council Presentation: 04/23/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING THE OFFICE OF COMMUNITY AND NEIGHBORHOOD SERVICES TO MAKE BUDGET AND PROGRAM CHANGES THROUGH A LOCAL AMENDMENT TO THE 2016 ACTION PLAN OF THE CITY'S FIVE-YEAR CONSOLIDATED PLAN FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS FOR PY 2015-2019 (OCA-24-0478)

WHEREAS, the City of Tuscaloosa has the legal authority to apply for Federal Assistance from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City of Tuscaloosa has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the Federal programs.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TUSCALOOSA, ALABAMA, that the City Council of Tuscaloosa does hereby approve the budget and program amendments under its HOME Investment Partnership Program (subject to HUD final approval) per the following:

Amendment 3

Program Year: 2016

Current Activity Name: Tuscaloosa Housing Authority-Tenant Based Rental Assistance

Current Activity Funding Amount: \$12,355.53 – Entitlement Funds

Amendment Funding Amount Change: \$12,355.53

Amendment Reasoning: Project Complete

New Activity Name: Habitat for Humanity of Tuscaloosa – Affordable Housing

New Activity Description: Development of Affordable Housing

New Activity Funding Amount: \$12,355.53

HOME Eligible Citation: 24 CFR Part 92.206(a) and 92.206(d)

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: OT/HH
Requested: CD CMTE Date: 04/16/2024
Council Presentation: 04/23/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING THE OFFICE OF COMMUNITY AND NEIGHBORHOOD SERVICES TO MAKE BUDGET AND PROGRAM CHANGES THROUGH A LOCAL AMENDMENT TO THE 2020 ACTION PLAN OF THE CITY'S FIVE-YEAR CONSOLIDATED PLAN FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS FOR PY 2020-2024 (OCA-24-0479)

WHEREAS, the City of Tuscaloosa has the legal authority to apply for Federal Assistance from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City of Tuscaloosa has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the Federal programs.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TUSCALOOSA, ALABAMA, that the City Council of Tuscaloosa does hereby approve the budget and program amendments under its HOME Investment Partnership Program (subject to HUD final approval) per the following:

Amendment 1

Program Year: 2020

Current Activity Name: Habitat for Humanity of Tuscaloosa – CHDO Operating

Current Activity Funding Amount: \$22,821.95 – CHDO Operating Funds

Amendment Funding Amount Change: \$5.10

Amendment Reasoning: Funding reduction to 5% of total 2020 HOME grant allocation per 24 CFR 92.208

New Activity Name: Habitat for Humanity of Tuscaloosa – Affordable Housing

New Activity Description: Development of Affordable Housing

New Activity Funding Amount: \$5.10

HOME Eligible Citation: 24 CFR Part 92.206(a) and 92.206(d)

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: OT/HH
Requested: CD CMTE Date: 04/16/2024
Council Presentation: 04/23/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING ADDITIONAL FUNDING TO 2022 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) CONTRACT WITH HABITAT FOR HUMANITY OF TUSCALOOSA FOR THE DEVELOPMENT OF AFFORDABLE HOUSING (OCA-24-0487)

WHEREAS, on October 25, 2022, the City Council authorized the Mayor to execute a contract totaling \$271,716.62 in 2022 HOME Investment Partnership Program (HOME) funds to Habitat for Humanity of Tuscaloosa (HFH) to develop affordable housing; and

WHEREAS, an additional amount of \$12,355.53 in 2016 HOME funds is available to be added to the 2022 contract to develop affordable housing.

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

That the Mayor and the City Clerk be, and they are hereby authorized, for and as an act of the City, to execute an amendment to the City's agreement with HFH for said development of affordable housing to add the additional amount of \$12,355.53, increasing the contract amount to \$284,072.15.

FUNDING REQUIRED: Yes No
Fund 217- HOME

By: Carly Standley
Chief Financial Officer

COUNCIL ACTION

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

RESOLUTION

RESOLUTION REJECTING ALL BIDS FOR
READY-MIX CONCRETE
BID NO. 9070-040224-1

WHEREAS, heretofore on April 2, 2024, bids were received with regard to procurement of a Ready Mix Concrete Services; and,

WHEREAS, pursuant to the General Conditions (4-b) of the Invitation to Bid, the City elects to reject the bids as it is in the best interest of the City.

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

1. That pursuant to General Conditions (4-b) of the Invitation to Bid, the City hereby rejects all bids received for the abovementioned project.
2. That City staff is hereby directed to issue a new bid at a later date to seek competitive bids.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

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

Prepared: Purchasing
Requested: Purchasing
Agenda: 04/23/2024

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 04/16/2024
Council Presentation: 04/23/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING CONTRACT FOR
PROFESSIONAL ENGINEERING AND RELATED SERVICES WITH
DUNCAN COKER ASSOCIATES, P.C. FOR
CITY HALL PARKING DECK STORM DRAINAGE PROJECT
(OCA-24-0486)

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

That the Mayor be, and he is hereby, authorized to execute a contract for professional engineering and related services with Duncan Coker Associates, P.C., in the amount of \$5,900.00 for the City Hall Parking Deck Storm Drainage Project, 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
10709042-24516

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: 04/16/2024
Council Presentation: 04/23/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING MINOR PUBLIC WORKS CONTRACT WITH
M.A.G. CONTRACTORS, LLC
(OCA-24-0493)

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

That the Mayor is authorized to execute a contract in an amount not to exceed \$6,760.00 with M.A.G. Contractors, LLC for fabrication and installation of doors in City Hall's South and West lobbies 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
10709042-19004

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: 04/16/2024

Council Presentation: 04/23/2023

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO EXECUTE
AGREEMENTS, AMENDMENTS AND RELATED DOCUMENTS
FOR SERVICES PROVIDED TO THE CITY OF TUSCALOOSA BY
UNITI FIBER
(OCA-23-0658)

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

That the Chief Information Officer is hereby authorized to execute contract agreements, amendments and related documents for budgeted and contracted services provided to the City of Tuscaloosa by Uniti Fiber, provided that the contract amounts are within budget, the services provided are compliant with Alabama Bid Law, and the Agreements and related documents are administratively approved by the City Attorney, 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: JPW III/rd

Requested: UD/Planning Com. Date: 04/15/2024

Council Presentation on: 04/23/2024

Suspension of Rules: No

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING PROPERTY TO THE
CORPORATE LIMITS OF THE CITY OF TUSCALOOSA
ANNEXATION NO. 716**

(Approx. 0.4 acres located at 11637 Tierce Patton—Saylor Family Holdings, LLC)
(AN-07-24/AOCA-24-0523)

WHEREAS, pursuant to Ala. Code §11-42-21, et seq. (1975), the sole and only owner(s) of the property hereinafter described did sign and file with the City Clerk a written Petition, containing an accurate description of the property or territory proposed to be annexed, together with a map of said territory showing its relationship to the Corporate Limits of the City and requesting the governing body adopt an Ordinance assenting to the annexation thereof, and,

WHEREAS, said territory is contiguous to the Corporate Limits of the City of Tuscaloosa, located in Tuscaloosa County, and does not lie within the Corporate Limits of any other municipality nor does such property lie in an area of overlapping Police Jurisdiction which is more than equidistant from the respective Corporate Limits of each municipality.

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

1. That, pursuant to Ala. Code §11-42-21, et seq. (1975), the following property, to-wit:

Lot 2-C Second Resurvey of Lots 2 and 2A Steve Tucker Subdivision, a map or plat of which is recorded in Plat Book 2000, at Page 184 in the Probate Office of Tuscaloosa County, Alabama.

together with Exhibit "A", being a map or plat showing the property to be annexed, the request for the annexation of the same to the Corporate Limits of the City of Tuscaloosa, be, and it is hereby, assented to by the governing body of the City of Tuscaloosa, and the Corporate Limits of the City of Tuscaloosa shall be extended and rearranged so as to embrace and include such property, and such property or territory shall become a part of the corporate area of the City of Tuscaloosa after publication and on the effective date of this ordinance.

2. That the City Clerk be, and he is hereby, directed to forthwith cause a copy of this ordinance to be published in a newspaper of general circulation in the City and County of Tuscaloosa.

3. That the City Attorney be, and he is hereby, directed to forthwith, on behalf of the governing body of the City, file a description of the property or territory herein annexed upon publication in the Office of the Judge of Probate of Tuscaloosa County, Alabama, by submitting a copy of this ordinance with exhibits to the Probate Judge for recordation.

4. That the Council has determined it to be in the best interest of the public health, safety and welfare and for the public good of the citizens of Tuscaloosa to assent to the annexation of the property herein described, provided however, that the owners understand that the City shall not provide garbage service to the property.

Approved:



Office of Urban Development

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: JPW

Requested: Admin. Comt Date: 4/16/2024

Council Presentation on: 4/23/2024

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 21-90 through 21-99
OF THE CODE OF TUSCALOOSA
(OCA-24-0335)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Sections 21-90 through 21-99 of the Code of Tuscaloosa be amended to read as follows:

“Sec. 21-90. Definitions

For the purpose of this article, the following terms and words shall have the following meaning:

Contractor: A person, firm or corporation duly licensed and bonded by the City of Tuscaloosa either self-employed or otherwise employed to perform, excavate, or repair a street cut.

Crushed stone: Clean, screened by size, crushed limestone.

Crusher run: Blended crushed stone ranging in size from one-eighth inch (1/8”) to one inch (1”) and containing fines and stone dust.

OCE: Office of the City Engineer.

Permittee: A person or contractor holding a permit issued pursuant to section 21-91 of this article.

Person: The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include as executor, administrator, trustee, receiver or other representative appointed according to law.

Right-of-way (ROW): The general term denoting public ownership or interest in land usually in a strip which has been acquired for, or devoted to, the use of a street or an alley in the City.

***Release of bond:* a document from the City of Tuscaloosa releasing the street cut bond after all required repairs have been made by the responsible party.**

Roadway: That portion of right-of-way improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway or street includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Sidewalk: That portion of a street between the curb lines or the lateral lines of the roadway and the adjacent property lines; improved for use by pedestrians.

Sidewalk: That portion of a street between the curb lines or the lateral lines of the roadway and the adjacent property lines; improved for use by pedestrians.

Street: See section 21-1 of this chapter.

Street cut: Any excavation occurring within the public right-of-way.

Street cut blanket bond: a surety bond that provides coverage for multiple street cuts under a single bond, rather than requiring a separate bond for each specific street cut.

Sec. 21-91. - Regulations for street excavation.

(a) *Permit required.* It shall be unlawful for any person to perform any type of street cut within a right-of-way or to cause said work to be performed on any right-of-way within the corporate limits without first applying for and receiving a permit for such work. **Prior to the issuance of any street cut permit, a permittee shall provide to OCE a street cut bond on forms provided by the city in the amount of \$10,000.00 as a one-time bond or a \$50,000.00 annual street cut blanket bond as provided in subsection 21-92(e)**

(b) *Application for street cut permit.* The application for a permit may be obtained in OCE. The application should contain justification as to the need for the street cut, location, date and time of excavation, completion date, and any other information deemed as necessary by the **City Engineer.**

(c) *Fee Schedule.* **No street cut permit shall be issued for less than fifty dollars (\$50.00). Payment of fees shall be paid as required at the time of filing the application. The permit fees shall be adjusted annually on October 1st of each year in an amount equal to the annualized consumer price index (CPI) using the south urban CPI from the U.S. Department of Labor released in August of the same calendar year.**

(d) *Indemnification.* As a condition for the issuance of the permit, the applicant shall agree to indemnify and hold harmless the city, its employees, its agents from any liability to person or property resulting from any act or omission of permittee in performing the work, and for one year after completion of said work.

(e) *Warranty.* Permittee shall warrant and guarantee the material and workmanship for one (1) year after the date of completion of the excavation.

(f) *Pavement failure.* If, during the one (1) year warranty the pavement, or other areas **affected** by the street excavation fail or subside, the permittee is responsible for repairing the defect immediately pursuant to the regulations herein.

Sec. 21-92. - General requirements and regulations concerning street excavation.

(a) Permittee shall return the right-of-way to its original condition or better in all areas affected by said street cut.

(b) *Street specifications:*

- (1) Crushed stone screened to a maximum size of one (1) inch diameter or crusher run (blended crushed stone) shall be the only material allowed for back fill purposes in the roadway portion of the right-of-way or under sidewalks, curbs, curb and gutter, or any associated structure. Crushed stone back fill shall extend a minimum of twelve (12) inches beyond the edge of the roadway or other structures.
- (2) All excavations within the roadway portion of a right-of-way shall be saw cut or cut with a pavement breaker attached to a jackhammer. Roadways with a concrete running surface must be saw cut to a depth that will assure a straight, smooth joint when repaired. Permittee shall where applicable enlarge the excavation to an adjacent expansion joint or enlarge the excavation to remove prior cracks or damaged areas that may prevent the satisfactory repair of the roadway.
- (3) Prior to the placement of concrete or asphalt, the excavation must be cut square with a support shoulder provided. (See diagram ^[7]).
- (4) Roadways having a concrete surface must be repaired with a ready-mix (3000 psi) Class A concrete.
- (5) Roadways having an asphalt surface must be repaired with Alabama Highway Department specification **424A** hot mix asphalt **or latest edition**.
- (6) Roadways having asphalt over concrete shall be repaired with the appropriate corresponding depth of concrete and asphalt.
- (7) Asphalt patches must be compacted using a mechanical vibrator tamp or steel wheel roller designed for the purpose of compacting asphalt. Asphalt patches shall be a minimum of **five and one-half (5½)** inches thick or match the existing thickness of overlaying asphalt, **whichever is greater**.

(c) *Sidewalk specifications:*

- (1) Any sidewalk or curb and gutter affected by a street excavation shall be saw cut to a depth that will assure a straight, smooth joint when repaired. Permittee shall where applicable remove existing sidewalks and/or curb

and gutter to an adjacent expansion joint or enlarge the excavation to remove prior cracks or damaged areas that may prevent the satisfactory repair of the sidewalk or curb and gutter. When completed, expansion joints shall be consistent with joints in the adjacent sidewalks.

- (2) Permittee may tunnel under a sidewalk, curb or curb and gutter provided that it is possible to adequately place crushed stone under such structures. In the event of settling or breakage during excavation or warranty period, the affected structure must be removed to the nearest appropriate expansion joint or joints. Sidewalks, curb or curb and gutter must be saw cut when removed. Concrete used for repair must be Alabama State Highway Department specifications, Class A 3000 psi ready-mix.

(d) *General specifications:*

- (1) **Permittee shall repair all disturbed area.** These areas shall be returned to its original or better condition and shall include temporary or permanent erosion control measures as needed and such areas shall be included in the one-year warranty period. **Photos shall be provided to OCE of the disturbed area prior to excavation and after repair is completed and is ready for final inspection.**
- (2) Permittee during performance of work over, upon or under the streets, shall provide, place and maintain work zone traffic control devices in compliance with the provisions of the latest edition of the Alabama Manual on Uniform Traffic Control Devices or as the director of the department of transportation or his designated representative may direct. Traffic control plans for all work to be performed over, upon, or under any public street within the corporate limits shall, prior to work commencing be submitted to the director of transportation. **This includes a required 48-hour notice if a roadway will be closed.**
- (3) Permittee shall remove from work area all spoil material before work is completed. Roadway, sidewalk or curb and gutter shall be clean of mud, loose material, or debris.
- (4) **Upon completion of all construction activity, the city shall conduct a final on-site inspection to determine the condition of the repaired area. Said inspection may be coordinated with the final inspections on adjacent lots or prior to the cessation of all construction activity. For purposes of this section, the issuance of a certificate of occupancy or the final inspection, whichever event occurs later, shall be deemed the date of the completion of all construction activity. Upon final inspection, if deficiencies are found, the permittee or their designee will be notified of any deficiencies to be remedied within the ten (10) business days of the date of final**

inspection. If all deficiencies are remedied and the roadway, sidewalk or curb is found in satisfactory condition upon inspection from the City Engineer, a release of the bond for the one-time \$10,000 street cut bond shall be issued six (6) months after the issuance of a certificate of occupancy or the final inspection, whichever occurs later. A release of the bond for the annual \$50,000 street cut blanket bond shall be issued eighteen (18) months after the issuance of a certificate of occupancy or the final inspection, whichever occurs later. If deficiencies are found during the six (6) months between the cessation of construction activity and the release of bond, the permittee shall be given notice to repair and if the repair is not made within ten (10) days the city may make a claim against the bond as provided in subsection (e).

(e) Bonds:

(1) Prior to the issuance of any street cut permit, a permittee shall provide to OCE a street cut bond on forms provided by the city in the amount of \$10,000.00 as a one-time bond or a \$50,000.00 annual street cut blanket bond. The surety thereon must be approved by the City Attorney and shall be one of the following: a cash deposit, an irrevocable letter of credit, or an insurance company doing business by an agent in the state through an attorney-in-fact. The city shall hold all bonds until it issues a release of bond; or the city may make a claim against such bonds after ten (10) days of notice of deficiencies if repairs are not completed and use the proceeds thereof for the repair or replacement of damaged public improvements in accordance with the standards found in Sec. 21-92. The permittee shall be liable for any deficiencies or damages not covered by the bonds. In the event the city makes a claim against the bonds, the principal thereon may tender to the city the total amount of damages and thereafter receive a release of bond.

Sec. 21-93. - Violation—Penalties and Repair.

(a) It shall be unlawful for any owner, contractor or other person who shall perform any type of excavation within the right-of-way or cause said work to be performed in the right-of-way except in conformity with the provision of this article.

(b) Penalties:

(1) If it is determined by OCE that a street cut was made in violation of subsection 21-91 or 21-92, the permittee or other person responsible shall be presumed to be responsible for the full cost of repair or

replacement of all damage to public improvements. It shall be the duty of the permittee to report to OCE, any damage to public improvements as soon as practicable after such damage is discovered, together with a report of the contractors, suppliers, known to the responsible parties who were performing construction activities in the vicinity of the damage, and who did or may have caused the damage. Failure on the part of the permittee to perform such repairs or to reimburse the city for any cost it should incur may result in the denial of future street excavation permits.

- (2) If a street cut has been made without the necessary permits or bonds outside the scope of Sec. 21-95, the responsible party shall be required to pay for any damage to public improvements as well as the full cost of all repairs. All repairs must be made in accordance with Sec. 21-92. This may require removal of any unauthorized repairs for adequate inspections. Additionally, the responsible party shall pay a permit fee of not less than \$250.00. If a responsible party violates this section more than three (3) documented times, the responsible party may be denied from being issued a street cut permit for one calendar year from the date of the last documented offense.

(c) Repair:

- (1) The permittee or any other responsible party that may have caused the damage shall be responsible for the full cost of all repairs. The city may make a claim against such bonds after ten (10) days of notice of deficiencies if repairs are not completed and use the proceeds thereof for the repair or replacement of damaged public improvements in accordance with the standards found in Sec. 21-92. Failure to comply shall result in a permit fee of not less than \$250.00 as well as the responsible party being liable for all damages that the city incurred including, but not limited to, the full cost of all repairs, to which the street cut bond may be applied, together with all city costs incurred because of damage to public improvements, including, without limitation, professional fees for engineers, construction managers and attorney's fees.

Sec. 21-94. – Emergency Excavation of Public Right-of-Way

- (a) It shall be unlawful, except in an emergency as set forth below, for any person, other than an authorized officer, employee or agent of the city, to make any opening, cut or excavation in or under the surface of any street, alley, sidewalk or public way of the city without having first obtained a street excavation permit as provided in Sec. 21-91(a), or without inspection as required by that permit.

(1) In the event that any sewer, main, conduit or other utility or franchisee installation in or under any street, alley, sidewalk or public way shall burst, break or otherwise be in a condition to endanger persons or property, the owner of that sewer, main, conduit or other installation shall immediately make utility repairs and shall take all necessary steps to make the location safe and secure. That owner, utility or franchisee shall not, however, begin making any permanent repairs to the street, alley or sidewalk until he or she shall have secured a permit as provided in this article. A permit shall be secured within seventy-two (72) hours after any break or serious trouble shall have developed, and the necessary repairs to the street, alley or sidewalk shall be made as directed by the city engineer.

(b) It shall be unlawful for any person to cut any pavement under this section unless an emergency shall be of such nature that immediate repair is required for the safety of persons or property or both, and it shall be unlawful for any person to fail to comply with all other provisions of this article, including but not limited to the securing of a permit within the time required and the payment of the special charge and making of permanent restoration in the manner and time required by sections 21-92 and 21-93.

(c) Any and all responsibility party shall provide current contact information, including the name of a designated person, address, telephone, cell phone, email, or other electronic means of communication to the city engineer to report an emergency repair to be made under this section. Should the city become independently aware of a cut to any pavement under this section, the city shall notify the responsible party to comply with permit requirements. The contact information described herein shall be made available to the city engineer upon request. Failure to comply shall result in penalties as described in section 21-93.

Secs. 21-95—21-99. - Reserved.”

FUNDING REQUIRED: Yes No

By: _____
 Chief Financial Officer

COUNCIL ACTION

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

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:

Zachary Michael Kelly – Kelly Wedding and Reception <i>River Market event rental refund</i>	\$667.26
Daniel C. Lemley <i>Attorney fee for Client Case #TR-24-2147</i>	\$357.72
Ronald L. Henry (account # 101-00055-0513) <i>Water meter refund</i>	\$1,032.00
Ronald L. Henry (account # 101-2-5-502) <i>Building permit refund</i>	\$1,911.00

TOTAL: \$3,967.98

Prepared: Assistant City Clerk

Requested: Accounting & Finance

Agenda: 4-23-2024

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