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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA CITY HALL
ANDALUSIA, ALABAMA
JULY 6, 2010**

REGULAR WORK SESSION MEETING

PRESENT:

Earl V. Johnson, Mayor
Will Sconiers, Councilmember
Kennith C. Mount, Councilmember
Jason Jewell, Councilmember
Terry Powell, Councilmember
Mark Christensen, City Attorney

ABSENT:

Hazel Griffin, Councilmember

The City Council of the City of Andalusia, Alabama met in room 340 at city hall for a work session at 5:00 p.m. for the purpose of planning and finalizing the agenda.

REGULAR COUNCIL MEETING

PRESENT:

Earl V. Johnson, Mayor
Will Sconiers, Councilmember
Kennith C. Mount, Councilmember
Jason Jewell, Councilmember
Terry Powell, Councilmember
Mark Christensen, City Attorney

ABSENT:

Hazel Griffin, Councilmember

Mayor Johnson called the meeting to order and welcomed all. Councilmember Sconiers then led the prayer and Pledge of Allegiance to the flag.

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APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the June 15, 2010, regular meeting. Councilmember Powell moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

MAYOR ANNOUNCES SCHOOL BOARD ELECTION:

Mayor Johnson announced that on August 24, 2010, there will be an election for the Board of Education of Andalusia City Schools for Districts One, Three, and Five. Mayor Johnson added that there is a qualification fee of fifty dollars and the deadline to qualify is July 20, 2010, at 5:00 PM.

COUNCIL APPROVES RESOLUTION NO. 2010 – 19, AUTHORIZING A CONTRACT WITH THE SOUTHEAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION FOR ADMINISTRATIVE SERVICES FOR THE ANDALUSIA INDUSTRIAL PARK INFRASTRUCTURE IMPROVEMENT PROJECT:

Mayor Johnson presented Resolution No. 2010 – 19, authorizing a contract with the Southeast Alabama Regional Planning and Development Commission for administrative services for the Andalusia Industrial Park Infrastructure Improvement Project.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2010 – 19

A RESOLUTION DESIGNATING THE SOUTHEAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION ADMINISTRATOR FOR THE CDBG PROJECT LR-ED-PF-10-003

WHEREAS, the City of Andalusia has received FY 2010 Community Development Block Grant Economic Development Infrastructure program funds from the Alabama Department of Economic & Community Affairs (Project No. LR-ED-PF-10-003), as set forth in Title I of the Housing and Community Development Act of 1976; for construction of new municipal water lines and related appurtenances along Pinewood Road, Barton Road and Industrial Park Drive to the Sutton Road Industrial Park within the corporate limits of the City of Andalusia to assist in the relocation and expansion of SaeHaeSung, Alabama Inc.; and

WHEREAS, the City of Andalusia, requires specific project administrative services in conjunction with the implementation of its Community Development Block Grant Program for the proposed construction of said municipal water facilities as specified

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in the FY 2010 Community Development Block Grant Economic Development Infrastructure Fund application; and

WHEREAS, the City of Andalusia recognizes the Southeast Alabama Regional Planning and Development Commission as a nonprofit entity not subject to competitive procurement procedures; and

WHEREAS, the City of Andalusia recognizes Earl V. Johnson, Mayor of the City of Andalusia, as the appropriate public official to execute any and all necessary agreements with the Southeast Alabama Regional Planning and Development Commission for professional administrative services in conjunction with the aforementioned Community Development Block Grant Economic Development Infrastructure Fund program grant.

NOW, THEREFORE, BE IT RESOLVED, by the City of Andalusia that Mayor Earl V. Johnson is duly authorized to enter into the necessary agreements with the Southeast Alabama Regional Planning and Development Commission for Administrative Services in conjunction with the City of Andalusia's FY 2010 Community Development Block Grant Economic Development Infrastructure Fund grant program.

PASSED AND APPROVED THIS THE 6th DAY OF JULY, 2010.

Earl V. Johnson, Mayor

(SEAL)

Jackie Williams, Asst. City Clerk

Councilmember Mount moved to approve Resolution No. 2010 – 19.
Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2010 – 20, IMPLEMENTING STANDARDS OF CONDUCT AND PROCUREMENT POLICIES FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR INFRASTRUCTURE IMPROVEMENTS TO THE ANDALUSIA INDUSTRIAL PARK:

Mayor Johnson presented Resolution No. 2010 – 20, implementing standards of conduct and procurement policies for a Community Development Block Grant for infrastructure improvements to the Andalusia Industrial Park.

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**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2010 – 20

**A RESOLUTION IMPLEMENTING STANDARDS OF CONDUCT AND
PROCUREMENT POLICIES**

WHEREAS, the City of Andalusia has applied for a Community Development Block Grant for the purpose of expanding infrastructure in the Andalusia Industrial Park; and

WHEREAS, the City of Andalusia must adopt and fully implement the Standards of Conduct and Procurement Policies attached to this resolution to be in compliance with the governmental agencies providing funding for the above mentioned project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA that the Standards of Conduct and Procurement Policies attached to this resolution are hereby implemented.

ADOPTED AND APPROVED this 6th day of July, 2010.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

**Standards of Conduct
City of Andalusia**

No employee, officer, or agent of the City of Andalusia shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved (such a conflict would arise when: the employee, officer, or agent; or any member of his immediate family, his partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

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The officers, employees, or agents of the City of Andalusia, will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. (The City of Andalusia may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.)

To the extent permitted by state (Title 36, Chapter 25, Alabama Code) or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the officers or employees of the City of Andalusia, or agents, or by contractors or their agents.

RESERVATION OF AUTHORITY

The Council and Mayor reserve the right to change, modify, or amend this Standards of Conduct.

ADOPTED THIS 6th DAY OF July, 2010.

Mayor

Council Member

ATTEST:

(SEAL)

Asst. City Clerk

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**Methods of Procurement
City of Andalusia**

The City of Andalusia will follow the procurement methods described below and will ensure that all contracts will be in writing, include the appropriate state, federal, and local clauses, and that all contracts will be authorized by the City of Andalusia. Further, the City of Andalusia will ensure that the procurement of labor, services, or materials will be conducted in accordance with these local written procedures that conform to 24 CFR 85.36 (Common Rule), Title 41, Code of Alabama (Bid Law), and Title 39, Code of Alabama (Public Works Law). All procurement follows one of the following methods:

1. Small Purchase

- a. See State Bid Law (Title 41, Code of Alabama) Common Rule (24CFR85.36),
 1. Price or rate quotations for purchases or contracts with an aggregate cost \$15,000 or less must be obtained from at least three (3) qualified sources. (No purchase or contract involving an amount in excess of \$15,000 shall be divided into parts involving amounts \$15,000 or less for the purpose of avoiding the requirements of the Bid Law.) File documentation is required.
- b. See Public Works Law (Title 39, Code of Alabama) and Common Rule (24CFR85.36),
 1. Price or rate quotations for professional services with an aggregate cost of \$100,000 or less must be obtained from at least three (3) qualified sources. File documentation and contract for professional services are required.
 2. Contracts for public works involving \$50,000 or less may be let without advertising or sealed bids. Price or rate quotations must be obtained from at least three (3) sources. (No public work involving a sum in excess of \$50,000 shall be split into parts involving sums of \$50,000 or less for the purposes of evading the Public Works Law.) File documentation is required.

2. Sealed Bids

- a. See State Bid Law (Title 41, Code of Alabama),

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1. All purchases in excess of \$15,000 shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail or other electronic means to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.
 2. All original bids together with all documents pertaining to the award of the contract shall be retained in accordance with a retention period of at least seven years established by the Local Government Records Commission and shall be open to public inspection.
- b. See Public Works Law (Title 39, Code of Alabama),
1. Definition of Public Works: The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.
 2. Before entering into any contract for a public works involving an amount in excess of \$50,000, the awarding authority shall advertise for sealed bids. If the awarding authority is the state or a county, or an instrumentality thereof, it shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or some part thereof, is to be made. If the awarding authority is a municipality, or an instrumentality thereof, it shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding authority shall advertise by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for the length of time as may be

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determined. In addition to bulletin board notice, sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request. For all public works contracts involving an estimated amount in excess of \$500,000, awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state.

3. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in a designated office of the awarding authority, state the procedure for obtaining plans and specifications, state the time and place in which bids shall be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place.

3. Competitive Negotiations

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. See Common Rule (24CFR85.36)
- b. Requests for proposals will be publicized and identify all evaluation factors and their relative importance.
- c. Proposals will be solicited from an adequate number of qualified sources.
- d. Grantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees.
- e. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- f. Grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are

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evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

4. Noncompetitive Negotiations

Procurement by noncompetitive proposals or “sole source” is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes noncompetitive proposals; and after solicitation of a number of sources, competition is determined inadequate.

- a. Proper documentation that one or more of the above circumstances existed.
- b. There is no conflict of interest by the parties involved.
- c. Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

5. Price/Cost Analysis

Grantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals.

- a. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts.
- b. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be

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established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.

- c. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.
- d. Grantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.
- e. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- f. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 85.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.
- g. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

The City Clerk is the Purchasing Agent for the City of Andalusia.

The Purchasing Agent is authorized to consummate all purchases of the City. Such purchases will be for City purposes and for which funds have been appropriated by the City.

RESERVATION OF AUTHORITY

The Council and Mayor reserve the right to change, modify, or amend this Procurement Policy.

ADOPTED THIS 6th DAY OF July, 2010.

Mayor

Council Member

ATTEST:

(SEAL)

Asst. City Clerk

Councilmember Jewell moved to approve Resolution No. 2010 – 20.
Councilmember Sconiers seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2010 – 21, AUTHORIZING AN
EASEMENT FOR CENTURYLINK FOR THE RIVER FALLS STREET PROJECT**

Mayor Johnson presented Resolution No. 2010 – 21, authorizing an easement for CenturyLink for the River Falls Street Project.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2010 – 21

**A RESOLUTION AUTHORIZING THE MAYOR TO GRANT AN EASEMENT TO
CENTURYLINK FOR THE RIVER FALLS STREET PROJECT**

WHEREAS, the City of Andalusia is in the process of rehabilitating River Falls Street; and

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WHEREAS, it will be necessary to relocate certain utility assets, including those belonging to CenturyLink of Alabama, LLC;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA that the mayor be hereby authorized to sign an easement agreement with CenturyLink of Alabama, LLC, in order to relocate CenturyLink assets at the River Falls Street Project.

ADOPTED AND APPROVED this 6th day of July, 2010.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilmember Sconiers moved to approve Resolution No. 2010 – 21.
Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2010 – 22, AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE ALABAMA STATE COUNCIL ON THE ARTS FOR A GRANT FOR THE CHURCH STREET ARTS CENTER PROJECT:

Mayor Johnson presented Resolution No. 2010 – 22, authorizing the Mayor to sign a contract with the Alabama State Council on the Arts for an \$80,000 Grant for the Church Street Project.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2010 – 22

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A GRANT CONTRACT WITH THE ALABAMA STATE COUNCIL ON THE ARTS FOR THE CHURCH STREET ARTS CENTER PROJECT

WHEREAS, the City of Andalusia plans to rehabilitate the old Church Street School into a cultural arts center; and

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WHEREAS, the Alabama State Council on the Arts has awarded the City of Andalusia an \$80,000 grant for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA that the mayor be hereby authorized to sign a contract agreement with the Alabama State Council on the Arts for the Church Street Arts Center Project.

ADOPTED AND APPROVED this 6th day of July, 2010.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilmember Powell moved to approve Resolution No. 2010 – 22.
Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2010 – 23, DECLARING
PROPERTIES PUBLIC NUISANCES:**

Mayor Johnson presented Resolution No. 2010 – 23, declaring properties public nuisances.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2010 - 23

BE IT RESOLVED by the City Council of the City of Andalusia, Alabama that we, after having examined the report of the City Building Inspector, do hereby find that the property in question specifically described below and denominated as parcel numbers by

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the Revenue Commission of Covington County is hazardous to the health, safety, welfare, and morals of the citizens of Andalusia and thereby constitute a public nuisance pursuant to the Alabama Act No. 94-540 as adopted by the City Council of the City of Andalusia:

- 1) 1103 Henderson Street – Parcel #134171005016001
- 2) 404 Eighth Avenue – Parcel #13041840010010000
- 3) 226 Knox Street – Parcel #13042020030050000
- 4) Fletcher Road – 14011240020180000
- 5) 500 Auburn Avenue – 13041910050050000
- 6) 206 Knox Street – 13042020020070000

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Building Inspector and the City Attorney to proceed with the abatement of these nuisances as authorized under State of Alabama Act. No. 94-540 as adopted by the City of Andalusia.

ADOPTED AND APPROVED this 6th day of July, 2010.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk

Councilmember Powell moved to approve Resolution No. 2010 – 23.
Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2010 – 24, AMENDING THE ORIGINAL CONTRACT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR THE ANDALUSIA INDUSTRIAL PARK ACCESS ROAD PROJECT:

Mayor Johnson presented Resolution No. 2010 – 24, amending the original contract with the Alabama Department of Transportation for the Andalusia Industrial Park Access Road Project.

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**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2010 – 24**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SUPPLEMENTAL AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR THE ANDALUSIA INDUSTRIAL PARK ACCESS ROAD PROJECT

BE IT RESOLVED, by the City Council of the City of Andalusia, Alabama as follows:

1. That the City enters into a Supplemental Agreement Number 2 with the State of Alabama, acting by and through the Alabama Department of Transportation for amending an Agreement dated March 29, 2007, and the Supplemental Agreement Number 1, dated March 25, 2008, for:

Preliminary Engineering, Right-of-Way Acquisition, and Construction Agreement Project IAR-020-000-004 and Project Reference Number 100050006 to construct an access road beginning at the intersection of Alabama Highway 29 and Goat Hill Road and ending at the intersection of the existing Andalusia Industrial Park entrance on Sutton Road; Phase 2 will extend Progress Drive and resurface the existing paved road to benefit PSI Sales, Inc., SaeHaeSung Corporation, Ameridoor Corporation, City of Andalusia C/D Landfill and Recycling and King Buildings, in the City of Andalusia; which Supplemental Agreement is before this council.

2. That the Agreement be executed in the name of the City, by its Mayor for and on its behalf;
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Supplemental Agreement be kept on file by the City Clerk.

Passed, adopted and approved this 6th day of July, 2010.

ATTESTED:

_____,
Asst. City Clerk

_____,
Mayor

I, the undersigned qualified and acting clerk of the City of Andalusia, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such

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Council held on the 6th day of July, 2010, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 6th day of July, 2010.

Asst. City Clerk

Councilmember Sconiers moved to approve Resolution No. 2010 – 24.
Councilmember Jewell seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Council received departmental reports on project updates and on the 2009 Crime/Summary Report.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

Jackie Williams, Asst. City Clerk – Treasurer