

MINUTES OF REGULAR COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

JANUARY 25, 2010

Mayor Craft called the meeting to order at 5:00 p.m. at the City Hall. The invocation was delivered by Deputy Fire Chief Keith Martin. The Pledge of Allegiance to the flag was led by Mayor Craft.

Upon roll call, the following officials answered "present": Councilmen Garris, Doughty, Harris, Dyken, Jones, and Mayor Craft. The Mayor declared a quorum present.

Councilman Garris moved to approve the minutes of the work session of January 11, 2010, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Garris moved to approve the minutes of the regular meeting of January 11, 2010, as presented; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Councilman Dyken moved to approve the minutes of the work session of January 19, 2010, as presented; seconded by Councilman Jones. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Doughty, who abstained. The Mayor declared the motion carried.

Councilman Jones moved to approve the expense vouchers in the amount of \$259,676.72; seconded by Councilman Harris; and the vote was unanimously in favor of the motion.

The City Clerk noted that the complete list of vouchers to be paid, as reflected on a computer printout, had been made a permanent record in the Clerk's office.

The City Clerk presented the Application for Parade Permit of the Gulf Shores Mardi Gras Association.

Councilman Harris moved to approve the Application for Parade Permit of the Gulf Shores Mardi Gras Association for the Mardi Gras parade on February 16, 2010, and to waive the permit fee; seconded by Councilman Dyken. Upon the question, all those officials present voted in favor of the motion, with the exception of Councilman Jones, who abstained. The Mayor declared the motion carried.

The City Clerk presented the Application for Public Assembly Permit of the Make-A-Wish Foundation of Georgia and Alabama.

Councilman Dyken moved to approve the Application for Public Assembly Permit of Make-A-Wish Foundation of Georgia and Alabama for a Bicycle Ride for Wishes on October 2-3, 2010, and to waive the permit fee; seconded by Councilman Doughty; and the vote was unanimously in favor of the motion.

Upon the request of the Mayor, Director of Recreation and Public Affairs Grant Brown presented to the Council proposed changes to the draft Ordinance relative to beach vendors.

Peggy Matthews, Tom Norton, Randy Cudd, Bobby Hornsby, a representative of Pleasure Island Parasail, and Jason Holt addressed the Council relative to the 12-year old age limit for parasailing and towed recreational water rides versus a weight limit, rental logs, use of motorized vehicles on the beach, wooden lounge setups' spacing, and the five rental craft limitation citing loss of business, undue burden on the operator, impediment of Free Enterprise, and property rights issues.

After a lengthy discussion, it was determined the Ordinance would be tabled to be discussed at the Council Work Session on February 1 and subsequent adoption at the February 8 Council Meeting.

Upon the request of the Mayor, Special Projects Officer Diane Brown advised the Council of the need to change one of the exhibits to the proposed Ordinance granting Mediacom a nonexclusive franchise.

After a brief discussion, it was determined that the Ordinance would be tabled to the February 8 Council Meeting, so corrections could be made.

Councilman Doughty introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4738-10

**A RESOLUTION ACCEPTING THE PROPOSAL OF
VENTEK INTERNATIONAL
FOR PUBLIC BEACH PARKING PAY STATIONS; AND
AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That the proposal of VenTek International for Public Beach Parking Pay Stations, be and the same is hereby accepted, being the lowest, most responsible, among sealed proposals opened on July 14, 2009.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and VenTek International for Public Beach Parking Pay Stations; in substantially the form presented to Council this date.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4738-10 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4738-10 duly and legally adopted.

Councilman Dyken introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4739-10

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
LEASE-TO-BUY AGREEMENT
WITH CISCO
FOR VOICE-OVER-INTERNET-PROTOCOL TELEPHONE SYSTEM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a lease-to-buy agreement between the City of Gulf Shores and Cisco for Voice-Over-Internet Protocol (VoIP) telephone system; in substantially the form presented to Council this date.

Section 2. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4739-10 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4739-10 duly and legally adopted.

Councilman Garris introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4740-10

**A RESOLUTION REAPPOINTING
RICHARD SCHWARTZ AND
GEORGE HARRIS, JR.
TO THE
BOARD OF ZONING ADJUSTMENTS AND APPEALS
TO EACH SERVE A FULL TERM OF THREE YEARS
ENDING ON JANUARY 7, 2013; AND
APPOINTING EMILY STEWART AS SUPERNUMERARY
TO THE BOARD OF ZONING ADJUSTMENTS AND APPEALS,
REPLACING GEOFF GABERINO,
TO SERVE A TERM ENDING ON JANUARY 7, 2011**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That Richard Schwartz be and he hereby is reappointed to the Board of Zoning Adjustments and Appeals to serve a full term of three years ending on January 7, 2013.

Section 2. That George Harris, Jr. be and he hereby is reappointed to the Board of Zoning Adjustments and Appeals to serve a full term of three years ending on January 7, 2013.

Section 3. That Emily Stewart be and she hereby is appointed as Supernumerary to the Board of Zoning Adjustments and Appeals, replacing Geoff Gaberino, to serve a term ending on January 7, 2011.

Section 4. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4740-10 was seconded by Councilman Doughty; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "abstain," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4740-10 duly and legally adopted.

The City Clerk read into the record the following bid tabulation:

Councilman Dyken introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4741-10

**A RESOLUTION ACCEPTING THE BID OF
LIBERTY LINEN
IN THE AMOUNT OF \$29,727.00 ANNUALLY
FOR JANITORIAL SUPPLIES; AND
AUTHORIZING EXECUTION OF CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That the bid of Liberty Linen in the amount of \$29,727.00 annually for janitorial supplies, be and the same is hereby accepted, being the lowest, most responsible, among sealed bids opened on December 8, 2009.

Section 2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, a contract between the City of Gulf Shores and Liberty Linen for janitorial supplies; in substantially the form presented to Council this date.

Section 3. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4741-10 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4741-10 duly and legally adopted.

Councilman Harris introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4742-10

**A RESOLUTION REJECTING BIDS
FOR ALL TERRAIN VEHICLES
FOR USE OF POLICE DEPARTMENT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That the single bid received on December 22, 2009, for all terrain vehicles for the Police Department be and the same is hereby rejected.

Section 2. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4742-10 was seconded by Councilman Garris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4742-10 duly and legally adopted.

The Mayor requested and received unanimous consent of the Council to table consideration of the Resolution authorizing return of funds to Holiday Development LLC.

Councilman Doughty introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4743-10

A RESOLUTION AUTHORIZING AND DIRECTING THE

**MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
TASK ORDER MEMORANDUM 2010-01
WITH OLSEN ASSOCIATES, INC.
FOR POST-STORM EMERGENCY DUNE REPAIR PROJECT
IN AMOUNT NOT TO EXCEED \$62,885.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, Task Order Memorandum 2010-01 between the City of Gulf Shores and Olsen Associates, Inc. for post-storm emergency dune repair project in an amount not to exceed \$62,885.00; in substantially the form presented to Council this date.

Section 2. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4743-10 was seconded by Councilman Harris; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4743-10 duly and legally adopted.

Councilman Dyken introduced and moved for the adoption of the following Resolution:

RESOLUTION NO. 4744-10

**A RESOLUTION AUTHORIZING AND DIRECTING THE
MAYOR AND CITY CLERK TO EXECUTE
AND ATTEST, RESPECTIVELY,
TASK ORDER MEMORANDUM 2010-02
WITH OLSEN ASSOCIATES, INC.
FOR POST-TROPICAL STORM IDA
DESIGN SURVEY FOR REPAIRS
TO ENGINEERED BEACHES
IN AMOUNT NOT TO EXCEED \$41,630.00**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON JANUARY 25, 2010, as follows:

Section 1. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, Task Order Memorandum 2010-02 between the City of Gulf Shores and Olsen Associates, Inc. for Post-Tropical Storm Ida design survey for repairs to engineered beaches in an amount not to exceed \$41,630.00; in substantially the form presented to Council this date.

Section 2. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4744-10 was seconded by Councilman Jones; was regularly put; was discussed and considered in full by the Council; and upon the question, the vote thereon was as follows: Councilman Garris, "aye," Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Whereupon, the Mayor declared Resolution No. 4744-10 duly and legally adopted.

COMMITTEE REPORTS:

Councilman Jones announced the Clean Coast Expo would be held on April 22 at The Wharf Conference Center.

STAFF REPORTS:

Mayor Craft asked if there was anyone present who wished to address the Council but had been unable to get on the formal agenda. There was no response.

There being no further business to come before the Council, Councilman Jones moved to adjourn; seconded by Councilman Garris; and the vote was unanimously in favor of the motion.

Mayor Craft declared the meeting adjourned.

Robert Craft, Mayor

(SEAL)

ATTEST:

Renee F. Moore, MMC, City Clerk