

**Vestavia Hills  
City Council Agenda  
November 26, 2012  
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Dr. Scott Guffin, Liberty Park Baptist Church
4. Pledge of Allegiance
5. Candidates, Announcements and Guest Recognition
6. Employee of the Month
7. City Manager’s Report
8. Councilors’ Reports
9. Approval Of Minutes – November 5, 2012 (Organizational Meeting); November 5, 2012 (Regular Meeting); November 12, 2012 (Special Called Meeting) and November 15, 2012 (Special Called Meeting)

**Old Business**

10. Resolution Number 4367 – A Resolution Appropriating Matching Funds For ADECA Grant Entitled Land And Water Conservation Fund – Little Shades Creek Bridge – 1 (public hearing)
11. Resolution Number 4369 – A Resolution Enjoining The Cooperation Of The City Of Mountain Brook With Street And Drainage Improvements To East Street

**New Business**

12. Resolution Number 4372 A Resolution Accepting a bid for Public Services Maintenance Uniforms
13. Resolution Number 4373 - A Resolution Accepting a bid for Fire Dept Uniforms

**First Reading (No Action Taken At This Meeting)**

14. Ordinance Number 2424 – Rezoning – 740 Sussex Drive; Rezone from Jefferson County Unknown to Vestavia Hills R-2, Residential; Joe and Paula Fiore, Owners; Ray Weygand, Weygand Surveyors, Representing

15. Resolution Number 4374 – A Resolution Accepting A Quote From MG&A For Erosion Control And Grassing At Sicard Hollow
16. Resolution Number 4375 – A Resolution Authorizing The Mayor And City Manager To Enter Into An Agreement With Alabama Department Of Transportation For Project CMAQ-PE12( ), Preliminary Engineering Project To Design Sidewalks Along Massey Road, Montgomery Highway And Columbiana Road
17. Citizens Comments
18. Motion For Adjournment

**CITY OF VESTAVIA HILLS  
CITY COUNCIL  
ORGANIZATIONAL MEETING  
MINUTES  
NOVEMBER 5, 2012**

The City Council of Vestavia Hills met in regular session on this date at 4:30 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Alberto C. Zaragoza, Jr.  
Steve Ammons  
George Pierce  
John Henley  
Jim Sharp

**OTHER OFFICIALS PRESENT:**

Randy Robertson, City Manager  
Patrick H. Boone, City Attorney  
Rebecca Leavings, City Clerk  
Christopher Brady, City Engineer  
Dan Rary, Police Chief  
Melvin Turner, III, Finance Director  
George Sawaya, Deputy Treasurer  
Jim St. John, Fire Chief

Invocation was given by Joe Comer, Horizon Church, followed by the Pledge of Allegiance.

**OATH OF OFFICE**

- Judge Alan King issued the Oath of Office to the following:
- Mayor Alberto C. Zaragoza, Jr.
  - John Henley, Council Place Number 1
  - Jim Sharp, Council Place Number 2
  - Steve Ammons, Council Place Number 3
  - George Pierce, Council Place Number 4

**ELECTION OF MAYOR PRO-TEMPORE**

The Mayor opened the floor for a nomination for Mayor Pro-Tempore.

**NOMINATION** Mr. Sharp nominated Steve Ammons as Pro-Tempore. There being no further nominations, Mayor Zaragoza asked for a vote. Roll call vote was as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4355**

**Resolution Number 4355 – Appointment Of City Attorney**

**MOTION** Motion to adopt Resolution Number 4355 was by Mr. Ammons and second was by Mr. Sharp.

Mayor Zaragoza stated that this Resolution appoints Patrick H. Boone as City Attorney.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4356**

**Resolution Number 4356 – Appointment Of Municipal Judge**

**MOTION** Motion to adopt Resolution Number 4356 was by Mr. Sharp and second was by Mr. Henley.

The Mayor stated that this Resolution appoints Tommy Spina as Municipal Judge.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4357**

**Resolution Number 4357 – Appointment Of Municipal Prosecutor**

**MOTION** Motion to adopt Resolution Number 4357 was by Mr. Pierce and second was by Mr. Ammons.

The Mayor stated that this Resolution appoints Michael Trucks as City Prosecutor.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4358**

**Resolution Number 4358 – Appointment Of City Clerk**

**MOTION** Motion to adopt Resolution Number 4358 was by Mr. Pierce and second was by Mr. Henley.

The Mayor stated that this Resolution appoints Rebecca Leavings as City Clerk.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4359**

**Resolution Number 4359 – Appointment Of City Treasurer**

**MOTION** Motion to adopt Resolution Number 4359 was by Mr. Ammons and second was by Mr. Pierce.

The Mayor stated that this Resolution appoints Melvin Turner, III as City Treasurer.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**OATH OF OFFICE**

- Judge Alan King issued the Oath of Office to the following:
- Randy Robertson, City Manager
  - Patrick H. Boone, City Attorney
  - Tommy Spina, Municipal Judge
  - Rebecca Leavings, City Clerk
  - Melvin Turner, City Treasurer

**ORDINANCE NUMBER 2419**

**Ordinance Number 2419 - An Ordinance To Establish The Time, Place And Procedure For Council Meetings**

**MOTION** Motion to adopt Ordinance Number 2419 was by Mr. Pierce and second was by Mr. Henley.

The Mayor stated that this Ordinance establishes the day and times for the Council as well as setting a deadline for application for the agenda and procedures for the meetings.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**MOTION** Motion to adjourn the meeting at 4:53 PM was by Mr. Ammons. Mr. Pierce seconded the motion. Voice vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **REGULAR MEETING**

### **MINUTES**

**NOVEMBER 5, 2012**

The City Council of Vestavia Hills met in regular session on this date at 5:00 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Alberto C. Zaragoza, Jr.  
Steve Ammons, Mayor Pro-Tem  
George Pierce  
John Henley  
Jim Sharp

**OTHER OFFICIALS PRESENT:**

Randy Robertson, City Manager  
Patrick H. Boone, City Attorney  
Rebecca Leavings, City Clerk  
Christopher Brady, City Engineer  
Dan Rary, Police Chief  
Tim Holcomb, Deputy Police Chief  
Melvin Turner, III, Finance Director  
George Sawaya, Deputy Treasurer  
Jim St. John, Fire Chief  
Brian Davis, Public Services Director

### **ANNOUNCEMENTS, CANDIDATES, GUESTS**

- The Mayor welcomed Gennia Baldwin, Library Board, to the meeting.
- Mr. Ammons stated that the Park and Recreation Board will meet at their regular monthly meeting and study their 5-year plan. He invited everyone to attend.
- Mr. Ammons stated that November 15, 2012 is the last day to apply for the upcoming vacancy on the Park and Recreation Board. Applications are available in the City Clerk's office.
- Mr. Ammons stated that November 15, 2012 is also the last day for application to the Park and Recreation Foundation. Applications are on the City's website.



- Mayor Zaragoza announced that November 15, 2012 is the last day to submit application for the City's Library Board. Applications are available in the City Clerk's Office.

### **CITY MANAGER REPORTS**

- Chief Rary presented a certificate of recognition to Sgt. Greg Lee who apprehended a burglary suspect which subsequently led to the arrest of a second suspect.
- Mr. Robertson stated that the United Way campaign has kicked off and encouraged everyone to give a donation.
- The Holiday in the Hills celebration will kick off on November 15, 2012 at the Library in the Forest with a cookie decorating event.
- There will be a Veterans Day celebration on November 12, 2012 beginning at 6 PM at MountainTop Church.
- Mr. Robertson reminded everyone that tomorrow is Election Day and encouraged everyone to exercise the right to vote.
- The financial audit has begun and the auditors will be working around City Hall the next week or so.
- The US 31 Redevelopment Study is now online and the last two public hearings are scheduled for November 29 and December 6 in the Dogwood Room beginning at 6:30 PM.
- Mr. Robertson reported that City Officials from Vestavia Hills and Mountain Brook met with residents of East Street in what he felt was a positive and constructive meeting to try and resolve some of the issues that still surround the traffic in that area.

### **MAYOR/COUNCILOR REPORTS**

- Mr. Pierce recognized the success of the Chamber's annual Viva Vestavia which was recently held at Hollywood Pool and Spa.
- The Mayor thanked the Vestavia Hills Beautification Board for the reception to be held after this meeting. He especially thanked Anne Boston, Susan Jessup and Cindy Bartlett for their efforts in the endeavor.

### **APPROVAL OF MINUTES**

The minutes of the October 22, 2012 (Regular Meeting) were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of the October 22, 2012 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Voice vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

## **OLD BUSINESS**

### **RESOLUTION NUMBER 4351**

**Resolution Number 4351 - A Resolution Approving A Change Order In An Agreement With Landscape Workshop For Median Landscaping On US 31 (public hearing)**

**MOTION** Motion to adopt Resolution Number 4351 was by Mr. Sharp and second was by Mr. Pierce.

Mr. Robertson explained that this Resolution is to complete the median landscaping begun earlier by the same company. He stated that they waited until a certain time of the year to ensure the plants had a better chance of survival.

Mr. Brady stated that the estimated cost is around \$22,000.

Discussion ensued as to the growing size of the plantings, site line within the medians, maintenance, etc.

Mr. Boone indicated that he hasn't had a chance to review the agreement and asked for an amendment to wait for his written approval before the Resolution is effective.

**MOTION** Motion to amend Resolution Number 4351 to await written approval from the City Attorney was by Mr. Ammons with a second by Mr. Pierce. Roll call vote, as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

The Mayor opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, he closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
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Mr. Sharp – yes  
Mayor Zaragoza – yes

Mr. Ammons – yes  
Motion carried.

**RESOLUTION NUMBER 4353**

**Resolution Number 4353 - A Resolution Authorizing The City Manager To Enter Into An Agreement For Construction Engineering And Inspection (CE&I) Services With Gresham Smith and Partners On ALDOT Project Number SRTS-SR09(914) And STPBH-CN10(908) (public hearing)**

**MOTION** Motion to adopt Resolution Number 4353 was by Mr. Sharp and second was by Mr. Henley.

Mr. Robertson explained that this Resolution would allow construction, engineering and inspection services on two sidewalk projects that were required modifications by ALDOT after the designs were approved.

Discussion ensued concerning future sidewalk projects, ALDOT rules and regulations and work being done to resolve the issues.

Mr. Robertson commended the Mayor and Mr. Brady and their work and progress with ALDOT on projects such as this.

Mr. Boone indicated that he hasn't had a chance to review the agreement and asked for an amendment to wait for his written approval before the Resolution is effective.

**MOTION** Motion to amend Resolution Number 4353 to await written approval from the City Attorney was by Mr. Pierce with a second by Mr. Sharp. Roll call vote, as follows:

Mr. Pierce – yes  
Mr. Sharp – yes  
Mayor Zaragoza – yes

Mr. Henley – yes  
Mr. Ammons – yes  
Motion carried.

The Mayor opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, he closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes  
Mr. Sharp – yes  
Mayor Zaragoza – yes

Mr. Henley – yes  
Mr. Ammons – yes  
Motion carried.

**ORDINANCE NUMBER 2315-A**

**Ordinance Number 2315-A – An Ordinance Amending Section 3(C) Of Ordinance Number 2315 Regarding Issue Fees (public hearing)**

**MOTION** Motion to adopt Ordinance Number 2315-A was by Mr. Pierce and second was by Mr. Henley.

Mr. Robertson stated that this Ordinance raises the issuance price of a business license from \$10 to \$12.

Mr. Turner explained that this was a part of the Business License Reform Act adopted by the Legislature several years ago that increases the state's issuance fees and allows cities to do so also.

The Mayor opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, he closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**NEW BUSINESS**

**RESOLUTION NUMBER 4354**

**Resolution Number 4354 – A Resolution Approving An Alcohol License For Magic City Dance Enterprises, LLC D/B/A Magic City Ballroom; Michael Fowler, Executive (public hearing)**

**MOTION** Motion to adopt Resolution Number 4354 was by Mr. Ammons and second was by Mr. Sharp.

Michael Fowler was present in order to represent this request. He explained that his business is for ballroom dancing, parties, etc., and a cash bar would enhance his business.

The Mayor asked about training for his employees.

Mr. Fowler indicated that his employees would be trained by ABC and that the maximum occupancy of his space is for 100 people but he averages no more than 50 at any single gathering.

Chief Rary indicated that the Police Department found no problems with the request.

The Mayor opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, he closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**RESOLUTION NUMBER 4366**

**Resolution Number 4366 – A Resolution Amending Resolution Number 2377 And Providing For The Appointment Of A Safety Coordinator For Employees Of The City Of Vestavia Hills**

**MOTION** Motion to adopt Resolution Number 4366 was by Mr. Pierce and second was by Mr. Henley.

Mr. Robertson explained that this is for the appointment of a safety coordinator to oversee safety programs and risk evaluations in the City. He indicated that Capt. Shawn Jackson would be appointed as the Safety Coordinator.

Mr. Pierce commended the appointment.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**RESOLUTION NUMBER 4360**

**Resolution Number 4360 – A Resolution Changing City Officials Designated To Sign Checks At National Bank of Commerce for Capital Projects Reserve and Money Market Reserve Accounts**

**Resolution Number 4361 – A Resolution Changing City Officials Designated To Sign Checks At Pinnacle Bank for the Library Account**

**Resolution Number 4363 – A Resolution Changing City Officials Designated To Sign Checks At Regions Bank for Special Court Account, Pooled Cash and Payroll Account**

**Resolution Number 4364 – A Resolution Changing City Officials Designated To Sign Checks At SouthPoint Bank for Contractors Surety Account, Warrant Funds Account and Library Capital Projects Fund Account**

**Resolution Number 4365 – A Resolution Changing City Officials Designated To Sign Checks At Wells Fargo Bank for the Transport Account**

The Mayor asked if this and the following bank resolutions could be considered as one. Mr. Boone stated that as long as the signatures are the same, they could be considered with one motion.

Ms. Leavings stated that Resolution 4362 was different and needed to be considered separate from the others.

**MOTION** Motion to adopt Resolution Number 4360, 4361, 4363, 4364, and 4365 was by Mr. Ammons and second was by Mr. Henley.

Mr. Robertson explained that these Resolutions change the City's bank accounts to reflect the current signing officers. These accounts require two signatures.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**RESOLUTION NUMBER 4362**

**Resolution Number 4362 – A Resolution Changing City Officials Designated To Sign Checks At Regions for the Court Bond**

**MOTION** Motion to adopt Resolution Number 4362 was by Mr. Henley and second was by Mr. Ammons.

Mr. Robertson explained that this Resolution changes the City's bank account for court bonds to reflect the current signing officers. This account requires one signature.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes Mr. Henley – yes  
Mr. Sharp – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

**RESOLUTION NUMBER 4368**

**Resolution Number 4368 – A Resolution Authorizing The City Manager To Enter Into An Agreement With Trane U.S. Inc., D/B/A Trane For Servicing The HVAC System At The Library In The Forest (public hearing)**

Mayor Zaragoza opened the floor for unanimous consent for the immediate consideration and action on proposed Resolution Number 4368.

**MOTION** Motion for unanimous consent for the immediate consideration and action on Resolution Number 4368 was by Mr. Sharp. Second was by Mr. Pierce. Roll call vote as follows:  
Mr. Pierce – yes Mr. Henley – yes  
Mr. Sharp – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

**MOTION** Motion to adopt Resolution Number 4368 was by Mr. Pierce and second was by Mr. Ammons.

Mr. Robertson stated that this Resolution authorizes the City to enter into an agreement with Trane for the maintenance of the HVAC system at the Library. He stated that the agreement was terminated during the budget negotiations. Later it was determined that in order to keep the warranty on the system, the agreement needed to be continued at a cost of \$17,000.

Mr. Boone indicated that he hasn't had a chance to review the agreement and asked for an amendment to wait for his written approval before the Resolution is effective.

**MOTION** Motion to amend Resolution Number 4368 to await written approval from the City Attorney was by Mr. Pierce with a second by Mr. Sharp. Roll call vote, as follows:  
Mr. Pierce – yes Mr. Henley – yes  
Mr. Sharp – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

The Mayor opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, he closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**ORDINANCE NUMBER 2420**

**Ordinance Number 2420 – An Ordinance Authorizing The Directing, The Purchasing And Closing Of The Sale Of Real Estate (public hearing)**

Mayor Zaragoza opened the floor for unanimous consent for the immediate consideration and action on proposed Ordinance Number 2420.

**MOTION** Motion for unanimous consent for the immediate consideration and action on Ordinance Number 2420 was by Mr. Ammons. Second was by Mr. Pierce. Roll call vote as follows:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**MOTION** Motion to adopt Ordinance Number 2420 was by Mr. Pierce and second was by Mr. Henley.

Mr. Robertson stated that this Ordinance authorizes the City to enter into a purchase agreement with Vestavia Plaza LLC to purchase the “big box” store formerly known as Food World.

Mr. Boone made several comments and submitted them in writing. He asked that the comments be made a part of the public record and attached to the minutes. He also recommended a revision to the Ordinance as stipulated in his comments.

**MOTION** Motion to amend Ordinance Number 2420 as recommended in writing by the City Attorney was by Mr. Pierce with a second by Mr. Henley. Roll call vote, as follows:  
Mr. Pierce – yes                      Mr. Henley – yes  
Mr. Sharp – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.



The Mayor opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, he closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes Mr. Henley – yes  
Mr. Sharp – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

**FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)**

Mayor Zaragoza stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting of November 26, 2012 at 5 PM.

- Resolution Number 4367 – A Resolution Appropriating Matching Funds For ADECA Grant Entitled Land And Water Conservation Fund – Little Shades Creek Bridge – 1 (public hearing)
- Resolution Number 4369 – A Resolution Enjoining The Cooperation Of The City Of Mountain Brook With Street And Drainage Improvements To East Street

**CITIZENS COMMENTS**

On behalf of the Chamber of Commerce, Joe Perez, resident of Water Oak Drive, congratulated the new and returning Councilors.

Mr. Ammons congratulated Mr. Robertson on his first full day as City Manager.

**MOTION** Motion to adjourn the meeting at 7:10 PM was by Mr. Ammons. Mr. Sharp seconded the motion. Voice vote as follows:  
Mr. Pierce – yes Mr. Henley – yes  
Mr. Sharp – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**SPECIAL MEETING**

**MINUTES**

**NOVEMBER 12, 2012**

The City Council of Vestavia Hills met in special session on this date at 5:00 PM following posting/publication as required by Alabama law at the MountainTop Church Prayer Corner. The Mayor called the meeting to order and indicated that Brian Davis, Public Services Director, would act as City Clerk tonight. The roll was called with the following:

**MEMBERS PRESENT:** Mayor Alberto C. Zaragoza, Jr.  
Steve Ammons, Mayor Pro-Tem  
John Henley  
George Pierce  
Jim Sharp

**OTHER OFFICIALS PRESENT:** Randy Robertson, City Manager  
Patrick H. Boone, City Attorney  
Brian Davis, Director, Public Services  
Christopher Brady, City Engineer

Mayor Zaragoza opened the floor for a motion for unanimous consent for the immediate consideration and action on Resolution Number 4370.

**MOTION** Motion for unanimous consent of the immediate consideration and action on Resolution Number 4370 was by Mr. Ammons and second was by Mr. Sharp. Roll call vote, as follows:  
Mr. Pierce – yes                      Mr. Sharp – yes  
Mr. Henley – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**RESOLUTION NUMBER 4370**

**Resolution Number 4370 – A Resolution Authorizing The City Manager To Enter Into An Agreement With Southern Timber Resources, Inc.**

**MOTION** Motion to adopt Resolution Number 4370 was by Mr. Ammons and second was by Mr. Pierce

Mr. Robertson explained the reason for the called meeting and the Resolution would be to allow a timber company to harvest timber at the property owned by the City on Sicard Hollow Road. The property has been the subject of proposals by the City in working with a government group who specializes in assisting with mine reclamation areas to eventually develop the area into a recreation park facility. Since time is a factor in the harvesting and the deadlines, the agreement needed to be adopted as soon as possible. A copy of the agreement is in the Council's packet. The contractor has reviewed the agreement and has no problems with it.

Mayor Zaragoza asked about the review of the DRB.

Mr. Brady indicated the plan was presented on November 1 and approved as submitted.

Mr. Boone indicated that he has reviewed and revised the agreement and sees no problems with its approval with the exception the Resolution should be adopted in Ordinance form. Therefore an amendment is required.

Mr. Ammons withdrew the original motion and Mr. Pierce withdrew his second.

Mayor Zaragoza opened the floor for a motion for unanimous consent for immediate consideration and action on Ordinance Number 2421.

**MOTION** Motion for unanimous consent of the immediate consideration and action on Ordinance Number 2421 was by Mr. Sharp and second was by Mr. Pierce. Roll call vote, as follows:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Henley – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**MOTION** Motion to approve Ordinance Number 2421 was by Mr. Pierce. Second was by Mr. Henley.

Mayor Zaragoza opened the floor for a public hearing. There being no one present to address the Council regarding this request, the Mayor closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Henley – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**CITIZENS COMMENTS**

None.

**MOTION** Motion to adjourn the meeting into work session at 5:23 PM was by Mr. Pierce. Mr. Ammons seconded the motion. Voice vote as follows:  
Mr. Pierce – yes      Mr. Sharp – yes  
Mr. Henley – yes      Mr. Ammons – yes  
Mayor Zaragoza – yes      Motion carried.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**SPECIAL MEETING**

**MINUTES**

**NOVEMBER 15, 2012**

The City Council of Vestavia Hills met in special session on this date at 5:00 PM following posting/publication as required by Alabama. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Alberto C. Zaragoza, Jr.  
Steve Ammons, Mayor Pro-Tem  
John Henley  
George Pierce  
Jim Sharp

**OTHER OFFICIALS PRESENT:**

Randy Robertson, City Manager  
Patrick H. Boone, City Attorney  
Brian Davis, Director, Public Services  
Christopher Brady, City Engineer  
Jim St. John, Fire Chief  
Dan Rary, Police Chief

Mayor Zaragoza opened the floor for a motion for unanimous consent for the immediate consideration and action on Resolution Number 4371.

**MOTION** Motion for unanimous consent of the immediate consideration and action on Resolution Number 4371 was by Mr. Pierce and second was by Mr. Henley. Roll call vote, as follows:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Henley – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4371**

**Resolution Number 4371 – A Resolution To Require Publication In *The Birmingham News* Providing Notice Of A Public Hearing To Be Held By The City Council Of The City Of Vestavia Hills, Alabama On January 14, 2013 At 5:00 P.M. For The Purposes Of Determining Whether Or Not A Parcel Of Land Situated At 1112 Montgomery Highway In The City**

**Of Vestavia Hills, Alabama Sometimes Referred To As “The Old Library Property” (“The Property”) Owned By The City Of Vestavia Hills Is Needed For Municipal Or Public Purposes; To Determine Whether Or Not To Sell The Property Which Has An Appraised Value Of \$1,500,000.00 To HES Investments, LLC For A Total Sales Price In The Amount Of \$750,000.00; To Determine Whether Or Not The Closing Of The Sale Of The Property Pursuant To The Terms, Provisions And Conditions Of A Written Real Estate Purchase And Sale Agreement And The First Addendum And Second Addendum Thereto Will Serve As A Valid And Sufficient Public Purpose Notwithstanding Any Incidental Benefit Accruing To Any Private Entity Or Entities; To Thoroughly Discuss The Public Benefits Sought To Be Achieved By The Closing Of The Sale Of Said Property; To Identify The Name Of The Party That Has Offered To Purchase Said Property; To Receive Public Comments And Input Regarding The Sale Of Said Property; To Decide Whether Or Not To Sell Said Property; And To Decide Any Other Issue Relative To This Matter (public hearing)**

**MOTION** Motion to adopt Resolution Number 4371 was by Mr. Ammons and second was by Mr. Sharp

Mr. Robertson explained that the City has an offer to purchase the “old library” property. He gave the terms of the agreement and stated that the City must perform certain steps in order to sell the property pursuant to the agreement.

Mr. Boone indicated that he has reviewed the agreement and the City must publish the Resolution in the newspaper a minimum of seven days prior to the January public hearing of an Ordinance that will allow the sale. He reiterated the terms of the agreement and stated that the Resolution needed to be amended in order to remove the words “first addendum and second addendum.”

Mayor Zaragoza opened the floor for a motion for an amendment on Resolution Number 4371 to remove the words “first addendum and second addendum”.

**MOTION** Motion for amendment on Resolution Number 4371 to remove the words “first addendum and second addendum” was by Mr. Pierce and second was by Mr. Henley. Roll call vote, as follows:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Henley – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

Mayor Zaragoza opened the floor for a public hearing. There was no one present to address the Council. The Mayor closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes Mr. Sharp – yes  
Mr. Henley – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

Mayor Zaragoza opened the floor for a motion for unanimous consent for the immediate consideration and action on Ordinance Number 2422.

**MOTION** Motion for unanimous consent of the immediate consideration and action on Ordinance Number 2422 was by Mr. Pierce and second was by Mr. Henley. Roll call vote, as follows:  
Mr. Pierce – yes Mr. Sharp – yes  
Mr. Henley – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

**ORDINANCE NUMBER 2422**

**Ordinance Number 2422 – An Ordinance Authorizing And Directing The Purchasing And Closing Of The Sale Of Real Estate (public hearing)**

**MOTION** Motion to adopt Ordinance Number 2422 was by Mr. Henley and second was by Mr. Sharp

Mr. Robertson explained that this is a contract to purchase property in Cahaba Heights for the location of a new garage facility for the City. He explained the terms of the contract.

Mr. Boone indicated that he has reviewed the agreement and that the City has 150 days to inspect, rezone, etc. and that the City can elect not to purchase at any time during that due diligence period.

Discussion ensued relative to utility access, use of the property and motor scout storage.

Mayor Zaragoza opened the floor for a public hearing. There was no one present to address the Council. The Mayor closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes Mr. Sharp – yes  
Mr. Henley – yes Mr. Ammons – yes  
Mayor Zaragoza – yes Motion carried.

Mayor Zaragoza opened the floor for a motion for unanimous consent for the immediate consideration and action on Ordinance Number 2422.

**MOTION** Motion for unanimous consent of the immediate consideration and action on Ordinance Number 2422 was by Mr. Pierce and second was by Mr. Henley. Roll call vote, as follows:  
Mr. Pierce – yes                      Mr. Sharp – yes  
Mr. Henley – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**ORDINANCE NUMBER 2423**

**Ordinance Number 2423 – An Ordinance Authorizing And Directing The Sale Of Real Estate More Particularly Described As Lots 1, 2, 3, 4 And 5 In Thuss Farms Subdivision As Recorded In Map Book 228, Page 48, Jefferson County And The Execution And Delivery Of A Real Estate Sales Contract (public hearing)**

**MOTION** Motion to adopt Ordinance Number 2423 was by Mr. Pierce and second was by Mr. Ammons

Mr. Robertson explained that this is a contract to sell the five residential lots in Patchwork Farms to Signature Homes.

Mr. Boone indicated that he has reviewed the agreement and recommends that the purchaser record private restrictive covenants on the property.

Mayor Zaragoza opened the floor for a public hearing. There was no one present to address the Council. The Mayor closed the public hearing and called for the question.

**MOTION** Question called on a roll call vote:  
Mr. Pierce – yes                      Mr. Sharp – yes  
Mr. Henley – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

**CITIZENS COMMENTS**

None.



**MOTION** Motion to adjourn the meeting into work session at 5:12 PM was by Mr. Henley. Mr. Sharp seconded the motion. Voice vote as follows:  
Mr. Pierce – yes                      Mr. Sharp – yes  
Mr. Henley – yes                      Mr. Ammons – yes  
Mayor Zaragoza – yes                      Motion carried.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4367**

**A RESOLUTION APPROPRIATING MATCHING FUNDS FOR ADECA  
GRANT ENTITLED *LAND AND WATER CONSERVATION FUND –  
LITTLE SHADES CREEK BRIDGE – I***

**WHEREAS**, the City of Vestavia Hills proposes to have constructed recreational resources at McCallum Park for the health and well-being of the general public; and

**WHEREAS**, the construction of a bridge to cross Little Shades Creek has been included in the master plan for McCallum Park (formerly Little Shades Creek Park) as part of Phase II development; and

**WHEREAS**, the construction of the proposed bridge will provide for expanded recreational opportunities by making an additional ten-plus acres accessible to park users; safety through improved emergency access within the park; and maintenance/continued development by enabling equipment to cross the creek; and

**WHEREAS**, the City of Vestavia Hills has made a successful application to the Alabama Department of Economic and Community Affairs for FY 2011 Land and Water Conservation Fund (LWCF) grant assistance to develop a bridge across Little Shades Creek in McCallum Park; and

**WHEREAS**, funds requested through this Program for the proposed “Little Shades Creek Bridge – I” project are in the amount of \$50,000, which is the maximum allowed request, and the LWCF program requires that the program sponsor match equally the funds requested; and

**WHEREAS**, the Vestavia Hills Parks and Recreation Foundation has included the development of McCallum Park in the “Partners in Healthy Living” campaign and has

committed available funds for the cash match to fulfill LWCF program requirements and to provide for the completion of the project;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. That the City of Vestavia Hills holds in reserve \$50,000, which is the required match for LWCF assistance; and
2. That the City of Vestavia Hills understands that it will sign assurances to comply with all applicable Federal and State laws, rules, and regulations.
3. This Resolution Number 4367 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 26<sup>th</sup> day of November, 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca H. Leavings,  
City Clerk



# VESTAVIA HILLS PARKS

RECREATION FOUNDATION

President  
Joan Ragsdale

August 30, 2011

Rob Grant, Recreation and Conservation Unit Manager  
Alabama Department of Economic and Community Affairs  
401 Adams Avenue  
P.O. Box 5690  
Montgomery, Alabama 36103-5690

RE: Little Shades Creek Bridge – LWCF Resolution

Dear Mr. Grant:

Please accept this letter expressing the Vestavia Hills Parks and Recreation Foundation's intention to provide matching funds in support of the application being made by the City of Vestavia Hills for assistance with constructing a bridge across Little Shades Creek in McCallum Park. There are fourteen acres of available park that would be made accessible by this bridge, and it would allow the City of Vestavia Hills to implement long existing plans to extend the trails from Vestavia Hills High School to Rocky Ridge Road. Not only will this trail serve our students in cross-country (who must travel outside of Vestavia Hills to practice), but it will also connect with the Our One Mile regional trails plan that is under development through the Fresh Water Land Trust.

The Vestavia Hills Parks & Recreation Foundation has resources available to match LWCF funds sufficient to complete the bridge. The Foundation has available \$150,000 (or greater) to match the \$50,000 LWCF request being made by the City of Vestavia Hills. The City will also provide in-kind match through the services of the City Engineer. The estimate for the bridge, from flood zone certification and design to full construction, is \$200,000.

Thank you for your consideration of the City's application. If you have any questions in regards to this letter of commitment, please do not hesitate to contact me or Leigh Belcher. Leigh's contact number is 205.527.8788. My office number is 205.970.8804.

Sincerely,

Joan C. Ragsdale

**LAND AND WATER CONSERVATION  
FUND PROGRAM  
FY 2011 Funding Cycle**

**STATE ADMINISTERING AGENCY**

**Alabama Department of Economic  
and Community Affairs**

**Jim Byard, Jr., Director**  
401 Adams Avenue  
Montgomery, Alabama 36104

**PROGRAM STAFF**

Rob Grant, Recreation & Conservation Unit Manager  
Phone: 334-242-5483  
Fax: 334-353-3955  
E-mail: rob.grant@adeca.alabama.gov

**LAND AND WATER CONSERVATION  
FUND PROGRAM**

The Land and Water Conservation Fund (LWCF) Program was created in 1965 "...to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations ...such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation..." The LWCF Program provides matching grants to States, and through the States to local governments, for the acquisition and development of public outdoor recreation areas and facilities.

**PROGRAM INFORMATION**

Amount Available (Est):	\$585,000
Max. Grant Amount:	\$50,000
Federal Matching Percentage	50 Percent
Beginning of Funding Cycle	08/01/2011
Pre-applications Due:	08/31/2011
Completion Date:	TBD
Selection Method:	Competitive

**FUNDING CYCLE**

All eligible project sponsors will be notified of the timing and application procedures, in writing, at the beginning of the funding cycle. Pre-applications for FY2011 funding will be accepted from August 1, 2011, through August 31, 2011.

**ELIGIBLE APPLICANTS**

All political subdivisions of the state are eligible to participate in the LWCF program. As such, municipalities, counties, state agencies, and state authorities created by the legislature may apply for LWCF assistance. However, state or local educational institutions are prohibited from participating.

**ELIGIBLE ACTIVITIES**

LWCF assistance can be used to acquire land and water interests for park purposes, develop new outdoor recreation facilities, and, in certain instances, renovate existing recreational facilities. Virtually all public outdoor recreation activities are eligible for assistance under the program including playgrounds, ball fields (including lights [concrete poles only]), court sports, picnic areas, camping areas, tracks, trails, swimming facilities, etc. In addition, support facilities such as concession stands, comfort stations, park access roads, parking areas, utilities, and site preparation necessary to make a recreation activity area usable may qualify for assistance. The project sponsor must either own or have a perpetual interest in land that is developed with LWCF assistance.

**MATCHING SHARES**

The LWCF program provides 50% matching assistance to project sponsors. The project sponsor may provide the remaining 50% of the project cost in the form of cash or in-kind/donated services. Grant funds are distributed to project sponsors on a cost-reimbursable basis.

## GRANT LIMIT

The maximum grant size is determined by the amount of the state's apportionment. A maximum grant amount of \$50,000 is anticipated during this funding cycle. However, ADECA may award a lesser amount for a part or all of the items contained in the project scope.

## PROGRAM CRITERIA

The following program criteria apply to all applicants seeking LWCF assistance:

- a. Existing outdoor recreation facilities must be owned and managed by an eligible project sponsor; be well maintained; and the need for LWCF assistance documented in Alabama's Statewide Comprehensive Outdoor Recreation Plan (SCORP).
- b. The project sponsor must agree to manage and operate its LWCF assisted site for outdoor recreation purposes **in perpetuity**.
- c. The project sponsor must agree to comply with all other laws, rules and regulations associated with the LWCF program.

## FUNDING CRITERIA

The following examples represent the type of criteria that are used to assess the relative merits of project applications submitted for LWCF assistance:

- a. For FY2011, up to 30% of Alabama's LWCF Apportionment may be prioritized for applications to repair or reconstruct LWCF facilities damaged or destroyed by the Tornado Outbreak of April 27, 2011.
- b. Relative need for the proposed activity in the project service area.
- c. Project feasibility.
- d. Recreation delivery system.

- e. Operation and maintenance of existing recreation facilities.
- f. Site location and accessibility.
- g. Amount of new acreage being added to the public outdoor recreation trust.
- h. Amount of local match over and above the minimum requirement.
- i. Degree to which local citizen groups are involved in the development of the project.
- j. Degree to which the project furthers the goals outlined in the SCORP.

Please note, applications for elaborate facilities, tournament-only facilities, or professional sports facilities are not eligible.

If you are interested in obtaining more information about the Land and Water Conservation Fund Program or require technical assistance in determining project scope or with the application process, please contact Rob Grant at the number listed above. E-mail communication is preferred.

HANSEN L/A

ACJ05-03571-K

August 1, 2005

Ms. Cindy J. House-Pearson  
 Enforcement Section  
 Corp of Engineer, Mobile District  
 P.O. Box 2288  
 Mobile, AL 36628-001

Re: Jurisdictional # ALJO1-02433-K  
 ADECA RTP Application (Development)  
 Little Shades Creek Park  
 Request for letter of concurrence

OPTIONAL FORM 99 (7-90)

<b>FAX TRANSMITTAL</b>		# of pages ▶
To: <i>Eric S Hanson</i>	From: <i>CALLS Embined</i>	
Dept./Agency	Phone #	
Fax # <i>205 326-1164</i>	<i>251 690-2660</i>	
NSN 7540-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION

**Project Description:**

The City of Vestavia Hills is committed to the planning, development and long-term maintenance of Little Shades Creek Park. Preliminary site planning has been completed and the city is looking forward to moving the park into the construction phase once funding is secured.

The total site occupies approximately 35 acres with Little Shades Creek bisecting the property. Presently the site is undeveloped. Several acres were disturbed as a result of Jefferson County sanitary sewer work. The park entrance will be from Rocky Ridge Road by Rosemary Lane. The land adjacent to Little Shades Creek will be used as a natural buffer. A stream bank restoration plan has been developed to eliminate invasive plants and restore this area to a native habitat. Vestavia Hills is planning a passive recreation park for 17.5 acres of the site. The Cahaba River/Black Warrior Land Trust is using the other 17.5 acres adjacent to this site as a greenway. Vestavia Hills has developed preliminary site plans for the entire 35 acres that will result in a park that will promote higher environmental standards for park planning in the state.

**Project Uses**

The following is a breakout of the different components of Vestavia Hills 17.5 acres where the initial phase will begin. The park will be developed in multiple phases. The first phase is complete and the city is looking forward to beginning phase II this year.

**Phase I & II**

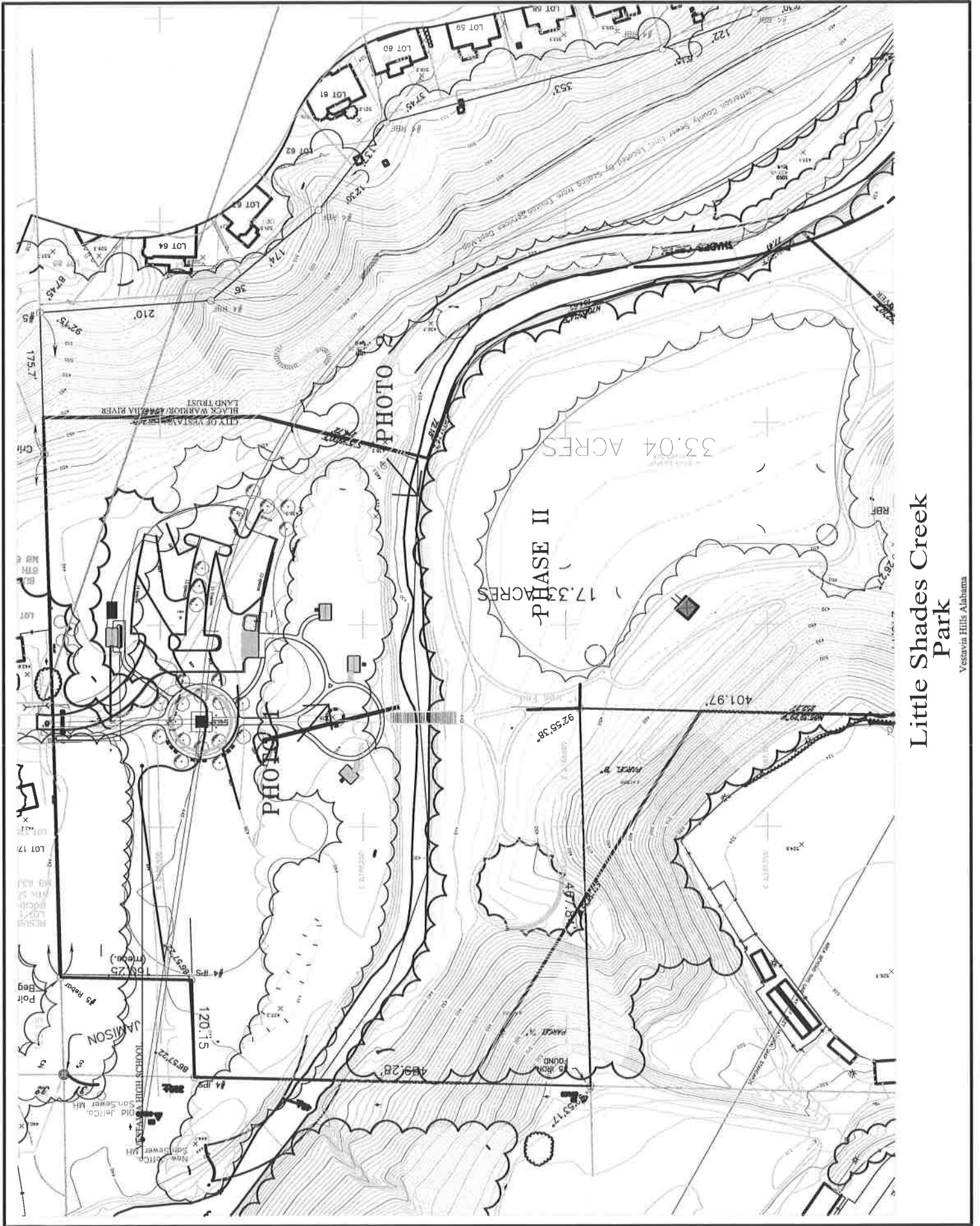
- Passive Recreational Fields 4 acres
- Natural Buffer adjacent to creek 2.5 acres
- Undisturbed Areas 4.5 acres
- ✓ ~~Walking Trails~~ 8,000 L.F. (1.5 acres)
- Picnic Area 1 acre
- Parking ( large landscape, islands ) 1.4 acres (45 spaces)
- Restrooms
- ✓ ~~Pedestrian Bridge~~
- Site Furnishings (Benches, Trash Receptacles, etc)
- Native Plant Restoration
- Environmental Educational Demonstration Areas

U. S. Army Corps of Engineers

A Department of the Army permit will not be required for your project as proposed.

*CJ House-Pearson* 8/15/05  
 CHIEF, REGULATORY BRANCH DATE





# Little Shades Creek Park

Westville Hills Alabama





**RESOLUTION NUMBER 4369**

**A RESOLUTION ENJOINING THE COOPERATION OF THE CITY OF MOUNTAIN BROOK WITH STREET AND DRAINAGE IMPROVEMENTS TO EAST STREET.**

**WHEREAS**, the City of Vestavia Hills and the City of Mountain Brook, Alabama, work closely to promote the health, safety and welfare of both communities; and

**WHEREAS**, the City of Mountain Brook has a large municipal and recreational complex located at the end of East Street, a Vestavia Hills street; and

**WHEREAS**, there have been longstanding concerns voiced by citizens of Vestavia Hills regarding the safety in the increased traffic count deriving from the Mountain Brook complexes as well as the calming and the speed of the flow of traffic on East Street; and

**WHEREAS**, through newly-formed mutual partnerships, the leadership of both municipalities has expressed a desire to address these issues and concerns.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The Mayor and City Council wish to enjoin the Mayor and City Council of the City of Mountain Brook to allow the staff members of both Mountain Brook and Vestavia Hills to perform curb and drainage improvements on East Street with a later opportunity and resident approval, to also partner together for eventual sidewalk construction along said street; and
2. This Resolution Number 4369 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 26<sup>th</sup> day of November, 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4372**

**A RESOLUTION ACCEPTING A BID FOR THE CITY OF  
VESTAVIA HILLS FOR PUBLIC SERVICES MAINTENANCE  
UNIFORMS**

**WHEREAS**, the City of Vestavia Hills received and opened bids for public services maintenance uniforms on November 15, 2012; and

**WHEREAS**, one bid and one “no bid” was received; and

**WHEREAS**, the Public Services Director, in a memorandum dated November 15, 2012, recommended the acceptance of Cintas in the amount of \$13,908.63; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The bid package submitted by Cintas in the amount of \$13,908.63 is hereby accepted; and
2. This Resolution Number 4372 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED AND APPROVED** this the 26<sup>th</sup> day of November, 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**City of Vestavia Hills Public Services  
513 Montgomery Highway  
Vestavia Hills, AL 35216  
205.978.0150**

## **Interoffice Memo**

November 15, 2012

TO: Mr. Randy Robertson

FROM: Brian C. Davis *bed*  
Public Services Director

RE: Maintenance Uniforms for Public Services

Invitations to bid were sent to numerous uniform vendors in the local area on 25 October 2012. Bids were opened on 15 November 2012. Two companies sent a reply, Cintas and NAFECO. NAFECO sent in a no bid, and Cintas came in with a bid of \$13,908.63. In the FY13 Budget we have \$22,000 allotted for uniforms.

I am requesting that the bid from Cintas be approved for FY13 by the City Council. Please let me know if you have any questions concerning this bid.

CC: Rebecca Leavings  
Christopher Brady

**RESOLUTION NUMBER 4373**

**A RESOLUTION ACCEPTING A BID FOR THE CITY OF  
VESTAVIA HILLS FOR FIRE DEPARTMENT UNIFORMS**

**WHEREAS**, the City of Vestavia Hills received and opened bids for Fire Department uniforms on November 15, 2012; and

**WHEREAS**, one bid was received; and

**WHEREAS**, the Fire Chief, in a memorandum dated November 16, 2012, recommended the acceptance of McCain Uniforms; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The bid package submitted by McCain Uniforms is hereby accepted; and
2. This Resolution Number 4373 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED AND APPROVED** this the 26<sup>th</sup> day of November, 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**VESTAVIA HILLS FIRE DEPARTMENT  
513 MONTGOMERY HIGHWAY  
VESTAVIA HILLS, ALABAMA 35216  
(205) 978-0225  
(205) 978-0205 (FAX)**

**JAMES R. ST. JOHN  
FIRE CHIEF**

**MEMORANDUM**

**TO:** Randy Robertson, City Manager  
**FROM:** Chief St. John  
**DATE:** November 16, 2012  
**RE:** Uniform Bid

Invitations to bid for Fire Department uniforms were sent to over 20 vendors. McCain Uniforms was the only vendor to bid. They bid without taking exceptions and I recommend that the bid be accepted.

**ORDINANCE NUMBER 2424**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF A PARCEL OF PROPERTY FROM JEFFERSON COUNTY UNKNOWN TO VESTAVIA HILLS R-2**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County Unknown to Vestavia Hills R-2;

740 Sussex Drive  
Paula and Joe Fiore, Owner(s)

**APPROVED and ADOPTED** this the 10<sup>th</sup> day of December, 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

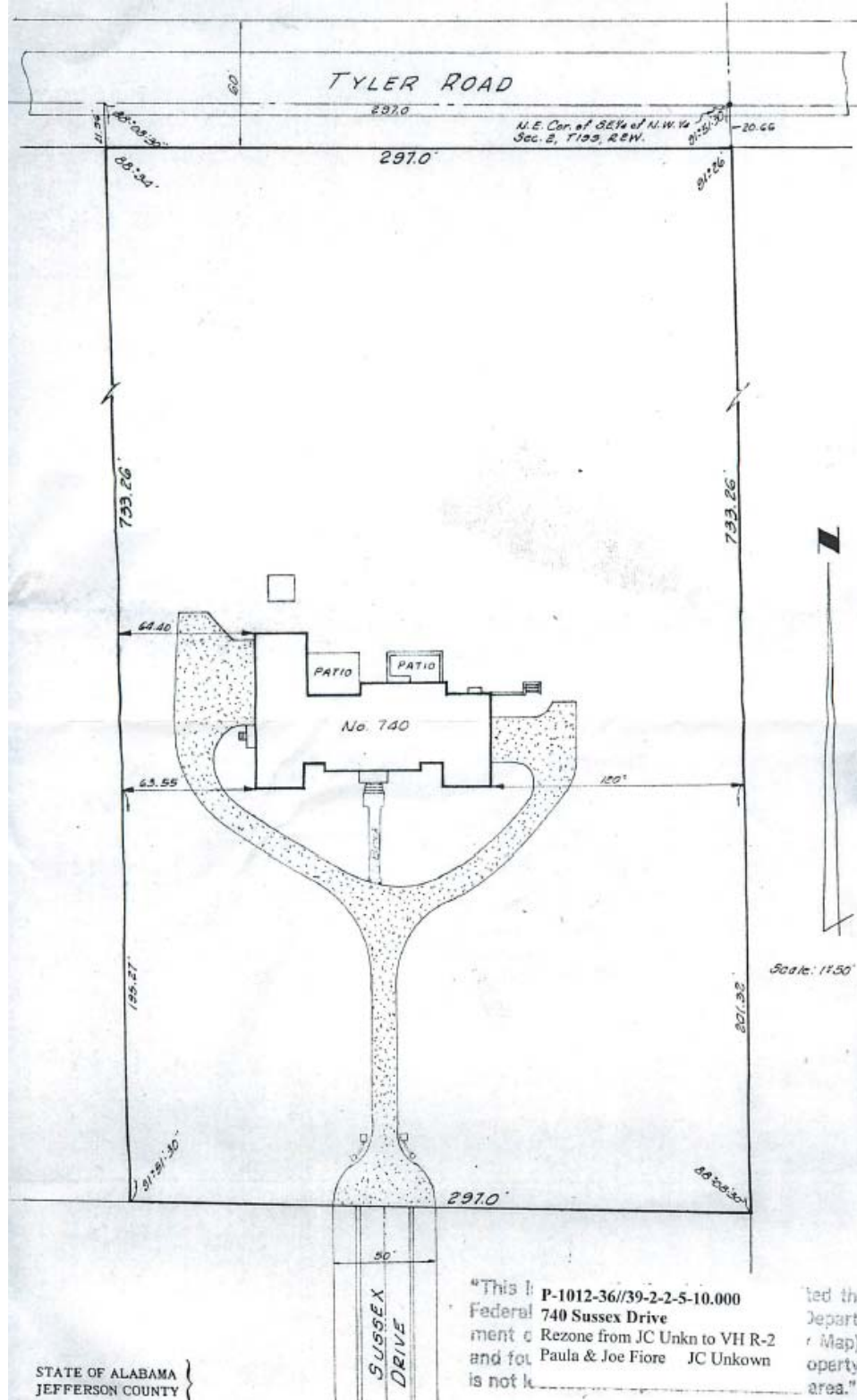


**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2424 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 10<sup>th</sup> day of December, 2012 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, Vestavia Hills Civic Center and Vestavia Hills Library in the Forest this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Rebecca Leavings  
City Clerk



**CITY OF VESTAVIA HILLS**  
**SYNOPSIS AND STAFF RECOMMENDATION CONCERNING**  
**APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION**

Date: October 4, 2012

- **CASE:** P-1012-36
- 
- **REQUESTED ACTION:** Application for final map approval of **Rezoning of 740 Sussex Drive**
- 
- **PROPOSED USE(S):** residential
- **ADDRESS/LOCATION:** 740 Sussex Drive
- **APPLICANT/OWNER:** Paula and Joe Fiore; 740 Sussex Drive; Vestavia Hills AL 35226
- **REPRESENTING AGENT:** Paula and Joe Fiore; 740 Sussex Drive; Vestavia Hills AL 35226
- **GENERAL DISCUSSION:** This property is located on the end of Sussex Drive and is a large parcel containing 5 +/- acres and backs up to Tyler Road. The property has been research and appears to have no official zoning. The request is to rezone the property similar to properties surrounding the property to Vestavia Hills R-2 in order to eventually develop three single family residential lots facing Tyler Road.
- **CITY OF VESTAVIA HILLS COMPREHENSIVE PLAN:** This property is not located in any Figure of the Vestavia Hills Comprehensive Master Plan and is located in an area developed as low/medium density residential. This request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Clerk Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

**City Clerk Recommendation:** No recommendation
  2. **City Engineer Review:** no problems noted

3. **City Fire Marshal Review:**. No problems noted.
4. **Building Safety Review:** no problems noted.

**P&Z Recommendation:**

**MOTION** Motion to recommend approval of the rezoning of 740 Sussex Drive from Jefferson County unknown to Vestavia Hills R-2 was by Mr. Farrell and second was by Mr. Gilchrist. Roll call vote, as follows:

Mr. Sharp –yes	Mr. Gilchrist – yes
Ms. Fancher – yes	Mr. Burrell – yes
Mr. House – yes	Mr. Farrell – yes
Mr. Brooks – yes	Mr. Visintainer – yes

Motion carried.



**RESOLUTION NUMBER 4374**

**A RESOLUTION ACCEPTING A QUOTE FROM MG&A FOR  
EROSION CONTROL AND GRASSING AT SICARD HOLLOW**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. That the City Manager is hereby authorized to accept a quote from MG&A for erosion control and grassing at Sicard Hollow at a cost not to exceed \$42,450.00; and
2. A copy of said proposal along with a memorandum from the Public Services Director explaining said proposal is attached to and written into this Resolution Number 4374 as if written fully therein; and
3. This Resolution Number 4374 is effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 10<sup>th</sup> day of  
December 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**City of Vestavia Hills Public Services**  
**513 Montgomery Highway**  
**Vestavia Hills, AL 35216**  
**205.978.0150**

## **Interoffice Memo**

November 20, 2012

TO: Randy Robertson  
City Manager

FROM: Brian C. Davis *bcd*  
Public Services Director

RE: Erosion Control and Grassing at Sicard Hollow

There are some needs at Sicard Hollow where water has created some potential for structural damage to one of the press boxes and one of the sidewalks. Please see the attached proposal from Myrick, Gurosky and Associates to repair the eroded areas and redirect the water flow, as well as adding some grass and erosion control around the perimeter of the fields.

I would like to proceed with the grassing and erosion control at a total cost not to exceed \$42,450.00, which includes a 10% contingency. This is not in our current FY budget; therefore it needs approval by the council.

CC: Rebecca Leavings, City Clerk  
Christopher Brady, City Engineer

- **Perimeter of Artificial Turf Fields – Grassing and Erosion Control**

**Flat area above the berm:**

2.25 Acres of seed and hay mulch

3200 SY of rolled erosion control product, type (3b) (double net straw/coconut netting)

250 SY of rolled erosion control product type (4) (double net coconut netting)

**Quote: \$14,950.00**

- **Berm and Outfall Areas:**

1.25 Acres of seeding and hay mulch:

1950 SY of rolled erosion control product, Type (4) (double net coconut netting)

**Quote: \$13,500.00**

- **Machine work:** (machine work will consist of filling multiple small washed areas with topsoil prior to re-seeding and one larger washed area with rip-rap. Also at one area, at far maintenance building on lower fields there is water run-off from field that is under mining corner of building. This area will be supplied a drain inlet and water will be piped to relief.) We will also re-shape a few key areas around the upper perimeter of the fields to redirect the water flow. This price does not include reshaping any of the storm water outfalls. (Topsoil and rip-rap by others)

**Quote: \$10,138.00**

**NOTE: The above-prices do not include heavy earth moving. We will not be re-working grades, slopes, retention areas, storm outfalls, etc...**

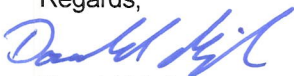
**NOTE: The perimeter of artificial turf field area work includes seeding and mulching all bare areas between the gravel path and existing berm including rolled erosion control products. The soil stockpile area work includes seeding and mulching the bare areas no machine work is included in this area. The parking lot entrance work includes seeding and mulching the bare areas at Sicard Hollow Road at the entrance to the property. The above erosion control prices are based on ALDOT 2008 standard specifications for highway construction and the 2008 general application special provisions. The above seeding work will be applied with the ALDOT 2008 standard specification seed mix for the appropriate season and a fertilizer rate of 700lbs./acre and mulch rate of 2 tons/acre. We do not warranty these areas due to a lack of irrigation. We will provide one application only and it will be up to the owner to maintain it.**

Exclusions: Tap, backflow preventer, power to controller, water/sewer fees, conduit for control wires, rock removal, repair/replace existing landscape, sleeves, locating existing sleeves, locating utilities, pumps, wells, boring walks/drives, maintenance, etc...

**TOTAL: \$38,588.00**

**NOTE: The above total price is based on all work being done at the same time.**

Regards,



Donald Myrick  
mg&a

**Myrick Gurosky & Associates, Inc.**



**RESOLUTION NUMBER 4375**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY  
MANAGER TO ENTER INTO AN AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION FOR  
PRELIMINARY ENGINEERING ON PROJECT CMAQ-PE12( )**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE  
CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:  

Project CMAQ-PD12( ) a preliminary engineering project to design sidewalks along CR-42 (Massey Road) from SR-3 (US-31, Montgomery Highway) to CR-99 (Columbiana Road) in the City of Vestavia Hills Alabama; which agreement is before this Council.
2. That the Agreement be executed in the name of the City by its Mayor and City Manager, 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 Agreement be kept on file by the City Clerk.

**PASSED, ADOPTED and APPROVED** this the 10<sup>th</sup> day of December, 2012.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, the undersigned qualified and acting City Clerk of the City of Vestavia Hills, do hereby certify that the above and foregoing is a true copy of a Resolution passed and adopted by the City Council on the City named therein, at a regular meeting of such Council held on the 10<sup>th</sup> day of December 2012 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 the \_\_\_\_ day of \_\_\_\_\_, 2012.

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**  
**DEPARTMENT OF PUBLIC SERVICES**  
**OFFICE OF CITY ENGINEER**  
**INTER-DEPARTMENT MEMO**

**November 19, 2012**

To: Rebecca Leavings  
CC: Mayor Zaragoza, City Manager Robertson, B.Davis  
From: Christopher Brady  
RE: ALDOT CMAQ funding agreement  
Preliminary Engineering for Massey Road Improvements

---

Becky,

The attached funding agreement from ALDOT is to perform Preliminary Engineering services for Massey Road Improvements. As stated in the agreement, the funding is for an approximated cost of upto \$166,400 with City providing 20%, or \$33,280.

This is a City project on the Birmingham MPO Transportation Improvement Program (TIP) FY 2012-2015. It is a multi-phase project. Once the PE is in progress, we will better determine RW, UT, and CN costs. Programmed estimated costs are as follows:

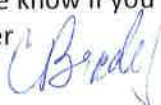
	Federal (80%)	City (20%)	Est Cost	description
PE (FY 2012)	\$128,000	\$32,000	\$160,000	preliminary engineering
RW (FY 2013)	\$ 64,000	\$16,000	\$ 80,000	right-of-way acquisition
UT (FY 2013)	\$ 64,000	\$16,000	\$ 80,000	utility relocation
CN (FY 2014)	\$688,000	\$172,000	\$860,000	construction
Total	\$944,000	\$236,000	\$1,180,000	

This project consists of roadway shoulder improvements along Massey Road, from US 31 near Mark's Outdoors to Columbiana Road, including the potential to add sidewalk and bicycle access. This project will include shoulder widening and stabilization.

I am in the process of updating cost estimates for this preliminary engineering work, but am hereby recommending approval of this funding agreement.

Please let me know if you have any questions or need additional information.

-Christopher





# ALABAMA DEPARTMENT OF TRANSPORTATION

THIRD DIVISION  
OFFICE OF DIVISION ENGINEER  
1020 BANKHEAD HWY. WEST  
P.O. Box 2745

BIRMINGHAM, ALABAMA 35202-2745  
Telephone: (205) 328-5820 FAX: (205) 254-3199



Robert Bentley  
Governor

John R. Cooper  
Transportation Director

November 5, 2012

The Honorable Alberto Zaragoza, Jr.  
Mayor, City of Vestavia Hills  
City Hall  
513 Montgomery Highway  
Vestavia Hills, Alabama 35216

RE: Jefferson County  
Project Number: CMAQ-PE12()  
[Proj. Ref. No. 100057171]  
Sidewalks along CR-42 (Massey Road)  
from SR-3 (US-31, Montgomery Highway)  
to CR-99 (Columbiana Road) in the City of  
Vestavia Hills

Dear Mayor Zaragoza,

I have enclosed the original Preliminary Engineering Agreement (and one copy) between the State of Alabama and the City of Vestavia Hills, Alabama for the above referenced project.

This Agreement is submitted to the City for approval. After execution by the City Council, please return the original document and the copy, with original signature and the City Seal affixed to both to this office for further handing. A certified resolution, which authorizes the Mayor to sign the Agreement, affixed with the City seal should be included with the original Agreement, as well as with the copy.

If I can supply you with any additional information or clarify any point contained herein, please feel free to contact me at your convenience.

Sincerely,

Brian C. Davis  
Division Engineer

BCD/LAT/SFPB

Enclosure

C: Mrs. Sandra F. P. Bonner  
File w/Enc.



Robert Bentley  
Governor

## ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110



John R. Cooper  
Transportation Director

October 29, 2012

Mr. Brian C. Davis  
Division Engineer  
Alabama Department of Transportation  
Post Office Box 2745  
Birmingham, Alabama 35202

SUBJECT: CMAQ-PE12( )  
Sidewalks along CR-42 (Massey Road)  
from SR-31 (US-31, Montgomery Highway)  
to CR-99 (Columbiana Road)  
Vestavia Hills, Alabama  
Jefferson County  
Reference Number: 100057171

Dear Mr. Davis:

The enclosed funding agreement between the State and the City of Vestavia Hills, Alabama, is to obligate federal funds for preliminary engineering for the referenced project.

Please review this agreement and, if it is acceptable, present it to the city for approval. The agreement should be executed by the city, signed by the mayor with the city seal affixed and a resolution attached authorizing the mayor to be the signatory on behalf of the city. After the agreement is executed by the city, please sign and return this document to this office.

Please contact Mary Lou Crenshaw at 334-353-6439 if you have any questions.

Sincerely,

Robert J. Jilla  
Multimodal Transportation Engineer

By: C. W. Colson, Jr.  
C. W. Colson, Jr.  
Special Programs Engineer

RJJ:CWC:mlc  
Attachment  
c: file

7

**AGREEMENT  
FOR  
PRELIMINARY ENGINEERING**

**BETWEEN THE STATE OF ALABAMA  
AND  
THE CITY OF VESTAVIA HILLS**

**Project CMAQ-PE12( )  
Sidewalks along CR-42 (Massey Road)  
From SR-3 (US-31, Montgomery Highway) to CR-99 (Columbiana Road)  
Vestavia Hills, Alabama  
Reference Number:100057171**

THIS AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Vestavia Hills, Alabama, hereinafter referred to as CITY, in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as the FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Birmingham urbanized area and certain transportation improvements and priorities are listed therein; and

WHEREAS, it is in the public interest for the STATE and the CITY to cooperate toward the implementation of the Transportation Improvement Program; and

WHEREAS, the STATE and the CITY desire to cooperate in a preliminary engineering project to design sidewalks along CR-42 (Massey Road) from SR-3 (US-31, Montgomery Highway) to CR-99 (Columbiana Road in the City of Vestavia Hills, Alabama.

WHEREAS, Federal transportation funds are dedicated specifically to the Birmingham Area by the 2005 Safe, Accountable, Flexible and Efficient Transportation Equity Act-Legacy for Users (SAFETEA-LU), as directed by the Birmingham Metropolitan Planning Organization (MPO), and hereinafter referred to as Congestion Mitigation and Air Quality (CMAQ) Improvement Program funds.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- 1) The CITY will perform or have performed all services required to fulfill the purposes of this Agreement. The Third Division of the Alabama Department of Transportation will be the lead agency for the STATE relative to the work under this agreement and will be the point of contact for the CITY. Plans will be by or for the CITY and approved by the STATE.
- 2) This Agreement will cover all aspects of the preliminary engineering phase of the project. The preliminary engineering phase is hereby defined as that work necessary to advance the development of the Project through construction authorization by FHWA. This phase will include all environmental studies and documentation required by FHWA.

- 3) Funding for this Agreement is subject to the availability of Federal Aid funds at the time of authorization by FHWA.
- 4) This Project will be administered by the CITY and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. Any recision mandated by Congress will be applied to the Federal Funds if applicable. The estimated cost and participation by the various parties are as follows:

	<u>Total Estimated Cost</u>	<u>Total Estimated Federal Funds</u>	<u>Estimated Local Funds</u>
Preliminary Engineering	\$ <u>166,400.00</u>	\$ <u>133,120.00</u>	\$ <u>33,280.00</u>
Total	\$ 166,400.00	\$ 133,120.00	\$ 33,280.00

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be responsible for its proportional share above noted. The project will commence upon execution of this agreement and upon written authorization to proceed from the STATE directed to the CITY. After obligation, these funds are available until expended.

- 5) It is expressly understood that this is a cost reimbursement program and no federal funds will be provided to the CITY prior to accomplishment of work for which reimbursement is requested.
- 6) The CITY agrees that in the event the FHWA determines, due to rules and/or regulations of FHWA (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence to the current projects) that Federal funds expended on this project must be refunded to the FHWA, the CITY will reimburse and pay to the STATE a sum of money equal to the total amount of STATE and Federal funds expended under this Agreement.
- 7) The CITY will, when appropriate, submit invoices to the STATE for reimbursement for work performed by or for the CITY in carrying out the terms of this agreement. Requests for reimbursement will be made on forms provide by the STATE and will be submitted through the Division Engineer for payment. The CITY may bill the STATE not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, unpaid and the invoice will be notarized. Invoices for any work performed by the CITY under the terms of this agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- 8) The performances of the work covered by this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.



- 9) Any service of the STATE necessary to carry out the intent of this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.
- 10) The STATE will assist the CITY in any public involvement actions that may be required.
- 11) The STATE will provide without cost to the CITY information available from its records that will facilitate the performance of the work.
- 12) Agency to Indemnify: The CITY will be responsible at all times for all of the work performed under this Agreement and the CITY will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, employees in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, including attorney's fees and expenses whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.  
By entering into this agreement, the CITY is not an agent of the STATE, its officers, employees, agents or assigns. The CITY is an independent entity from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- 13) Agreement Change: The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- 14) Termination: Either party has the right to terminate this Agreement at any time by giving thirty (30) days written notice of termination. Said notice will be mailed by certified or registered mail.
- 15) It is clearly understood by both parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein and that a separate Agreement will be required for the construction of the proposed improvements.
- 16) Arbitration: Any dispute concerning a question of fact in connection with the work not disputed of by this Agreement between the CITY and the STATE will be referred to the director of the State of Alabama Department of Transportation, whose decision will be final.
- 17) Exhibits M and N are hereby attached to and made a part of this Agreement.
- 18) 7/24<sup>th</sup> Law: Nothing shall be construed under the terms of this Agreement by the CITY or the STATE that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.

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IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

THE CITY OF VESTAVIA HILLS

BY: \_\_\_\_\_  
City Clerk (Signature)

BY: \_\_\_\_\_  
Mayor (Signature)

\_\_\_\_\_  
Type name of Clerk

\_\_\_\_\_  
Type name of Mayor

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Jim R. Ippolito, Jr.  
Chief Counsel  
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
Brian C. Davis  
Division Engineer

\_\_\_\_\_  
Robert J. Jilla,  
Multimodal Transportation Engineer

\_\_\_\_\_  
G. M. Harper, P.E.  
Acting Chief Engineer

STATE OF ALABAMA  
ACTING BY AND THROUGH THE  
ALABAMA DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_  
John R. Cooper, Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Robert Bentley  
Governor, State of Alabama



RESOLUTION NUMBER \_\_\_\_\_

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

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Project CMAQ-PE12( ) a preliminary engineering project to design sidewalks along CR-42 (Massey Road) from SR-3 (US-31, Montgomery Highway) to CR-99 (Columbiana Road in the City of Vestavia Hills, Alabama; which 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 Agreement be kept on file by the City Clerk.

Passed, adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTESTED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor, City of Vestavia Hills

I, the undersigned qualified and acting City Clerk of the City of Vestavia Hills, 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 Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Clerk

CONSULTANT 3/19/90  
REVISED 7/18/90  
REVISED 6/16/11

EXHIBIT M

**CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING**

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative AGREEMENT, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.



CONSULTANT 2/15/95  
REVISED 5/30/02  
REVISED 6/16/11

EXHIBIT N

**FUNDS SHALL NOT BE CONSTITUTED AS A DEBT**

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this AGREEMENT shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this AGREEMENT, be enacted, then the conflicting provision in the AGREEMENT shall be deemed null and void.

In any controversy concerning contract terms, or on a question of fact in connection with the work covered by this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive on all parties.

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to consider using appropriate forms of non-binding alternative dispute resolution.

**TERMINATION DUE TO INSUFFICIENT FUNDS**

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this AGREEMENT is to be made, agreement will be subject to termination.

**NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS**

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

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