

**HOOVER CITY COUNCIL  
MINUTES OF MEETING**

**DATE:** December 5, 2016  
**TIME:** 6:00 P.M.  
**PLACE:** Hoover Municipal Center  
**PRESENT:** Mayor Frank V. Brocato  
Mr. Gene Smith, Council President  
Mr. John Greene, Council President Pro-Tempore  
Dr. Casey Middlebrooks, Council Member  
Mr. Derrick Murphy, Council Member  
Mr. Curt Posey, Council Member  
Mr. Mike Shaw, Council Member

**ABSENT:** Mr. John Lyda, Council Member

**ALSO PRESENT:** Mr. Phillip D. Corley, Jr., City Attorney  
Ms. April Danielson, Wallace, Jordan, Ratliff & Brandt, LLC  
Mr. Bob House, House Consultants  
Ms. Amanda Borden, Assistant Library Director  
Mr. Tommy Daniel, Director, Public Works  
Chief Nick Derzis, Police Chief  
Ms. Susan Fuqua, Director, Municipal Court  
Mr. Mike Lewis, Director, Human Resources  
Mr. Rod Long, City Engineer  
Mr. Frank Lopez, Director, Revenue and Taxation  
Dr. Melinda Lopez, Chief Financial & Information Officer  
Mr. Ben Powell, Director, Purchasing  
Mr. Allan Rice, City Administrator  
Mr. Tim Westhoven, Chief Operations Officer  
Chief Chuck Wingate, Fire Chief  
Mr. Jim Wyatt, Director, Inspection Services  
Mr. Robert Yeager, City Treasurer

The meeting was called to order by Council President Gene Smith.

The clerk had roll call and a quorum was present.

Councilman Derrick Murphy gave the invocation.

Councilman Curt Posey led the Pledge of Allegiance.

1. **REPORTS**

**Mr. John Parker, President, Hoover Softball Association**, was joined at the podium by Board Members Jeff Olive, Jamie Nutter, and Peter Hardin; and Alabama Down Syndrome Members, Sue Tolle, Kathy Olive and Bob Schilli. The Hoover Softball Association decided three years ago to adopt a charity. They chose **Alabama Down Syndrome** and have held

various fundraisers each year for this cause. Mr. Parker presented a generous check to Alabama Down Syndrome of the money raised this year. There was a group picture taken with the Mayor and City Council. He then invited the Mayor and Council to attend a barbeque lunch to be held on Friday at the Hoover Central ball park.

**General Paul Pocopanni, Chairman, Veterans Committee**, was joined at the podium by library employees, Alyssa Jewell and Anissa Copes, who assisted him in recognizing those who participated in the **Veterans Week** events.

**Captain Bob Beaty, Past Chairman of the Veterans Committee**, recognized those who participated in the **Flag Folding Ceremonies** and presented certificates to those who were present.

**Civil Air Patrol-Bessemer Composite Squadron:** Leaders: Lt. Valerie Sawyer, Lt. Elizabeth Campbell, Sr. Member Esther Moon and Lt. Candous Langston. Participants: Connor Campbell, Katie Campbell, Jeremiah Langston, Micah Langston, Rachel Langston, Andrew Moon, Christopher Moon and William Sawyer.

**Boy Scout Troop 23** – Leaders: Asst. Scout Leader Darrell Dinkel, Asst. Scout Leader Scott Heywood, Scoutmaster Eric Williamson and Asst. Scoutmaster Jon Hogan. Participants: Jonathan Dinkel, Noah Williamson, Ethan Heywood, Arjun Ram, Dylan Calvin and Hunter Hogan.

**Cub Scout Pack 393-Discovery United Methodist Church:** Leaders: Michael Johns, Cubmaster; Tosha Greene, Treasurer; Carson Comer, Asst. Den Leader; Debbie Boone, Advancement Chair; Rona Jaikumar, Den Leader; and Meena Ramanathan, Pack Committee Chair. Participants: Mikko Johns, Christopher McNeil, Elijah Drew, Fletcher Comer, Kameron Bachia, CJ Howell, Charlie Boone, Krish Jaikumar, Aahil Jiwani, Rishi Ram, Surya Ramamurthy, Anthony Tortomasi, Actaeos Attard, Zayn Gowani, Charles Coleman and Zachary Coleman.

**Cub Scout Pack 93-Oakmont Presbyterian Church:** Troop Leaders: Greg Stewart, Jammie Cowden, Scott Naftel, Stephen Creed and Kevin Brockman. Participants: Trenton Thomas, Nicholas Thomas, Travis Thomas, Miller Creed, Chase Hollingshead, Taylor Van, Thomas Ford, Jacob Harrison, Jackson Cowden, Dashland Barham, Keven Brockmann, Alex Brockman and Aidan Naftel.

**General Pocopanni** recognized the winners of the **2016 THANK A VET Poster Contest** and presented those present with certificates and gift cards.

**Winners:** Lily Gurganus, Eric Li, Ellie Knippers, Maria Sanchez, Nyel Settles, Ayla Steed, Caedmon Dark, Emily Hughes, Isabelle McCauley, Briggs Marett, Tarek Hamid, Katia Apedoh, Reagan Miller, Layla McCauley, Colin Kennedy and Wendy Hernandez Valdez.

**General Pocopanni** gave an overview of the various events that took place during Veterans Week. He thanked the Mayor and City Council for their support of the Veterans Committee. He then presented **Captain Bob Beaty** with a plaque of appreciation for his years of service as Chairman of the Veterans Committee.

Mr. Smith relinquished the gavel to Mr. Greene. He asked **Admiral John T. Natter** to join him at the podium. Mr. Smith presented Admiral Natter with a **plaque of appreciation** for his twelve years of service to the citizens of Hoover having served as Past-Chairman of the Veterans Committee and as a City Council Member. Admiral Natter received a standing ovation.

Admiral Natter thanked Mr. Smith for the honor. He said he had attended the meeting to honor Captain Beaty and he congratulated and thanked Captain Beaty for what he does for the veterans and for the City of Hoover. Admiral Natter thanked the Council for their support of the veterans and said he will certainly look back on his 12 years of service to the City of Hoover, in addition to his 40 years of service to the Navy, as one of the highlights of his life. He concluded by wishing everyone fair winds and following seas.

Mr. Smith returned to the dais and stated that everyone was aware of the various Council committee appointments that were made not too long ago and said there are several others they will be working on with the Mayor's office and the legal staff. He said these will include repurposing the Stadium Advisory Committee to become more of an oversight panel for the sportsplex, working together on a Master Plan and also creating a committee for neighborhood viability.

2. **APPROVAL OF MINUTES**

Mr. Smith stated each member of the Council had previously received a copy of the minutes of the November 21, 2016 regular meeting and the December 1, 2016 work session.

Mr. Greene made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Mr. Posey. Mr. Smith called for discussion. There being none, on voice vote the motion carried unanimously.

3. **APPROVAL OF SFM RECOMMENDATION FOR GENERAL MANAGER OF THE HOOVER METROPOLITAN COMPLEX**

Mr. Smith stated that Sports Facilities Management (SFM) had a representative present but unfortunately the candidate for the position, although at the work session on Thursday night, could not be at the meeting tonight.

Mr. Greene made a motion to approve the SFM recommendation for general manager of the Hoover Metropolitan Complex. Mr. Posey seconded the motion.

Mr. Rice addressed the Council and audience and said that Monty Jones is the final recommended candidate from Sports Facilities Management (SFM) to become the general manager at the Hoover Metropolitan Complex. He explained that Mr. Jones was vetted thoroughly through SFM and was then brought before a panel of employees and stakeholders at the City who also concurred with that recommendation. He said the agreement between SFM and the City confers final approval on the Council.

Mr. Smith asked the Clerk for a roll call vote. On roll call vote the votes were as follows: Mr. Greene, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Murphy, "Yea"; Mr. Posey, "Yea"; Mr. Shaw, "Yea"; Mr. Smith, "Yea". The motion carried unanimously.

4. **RESCHEDULE UPCOMING CITY COUNCIL REGULAR MEETINGS DUE TO HOLIDAYS**

Mr. Greene made a motion to reschedule the Monday, January 2, 2017 regular meeting to Tuesday, January 3, 2017 at 6:00 p.m. due to the New Year's Day holiday; and reschedule the Monday, January 16, 2017 regular meeting to Tuesday, January 17, 2017 at 6:00 p.m. due to the Martin Luther King, Jr. holiday. This motion was seconded by Mr. Posey. On voice vote the motion carried unanimously.

5. **CHANGE ORDER NO. 1 – RECREATION CENTER LOCKER ROOM RENOVATION**

Mr. Tim Westhoven explained that the change order is for the locker room renovation at the Rec Center. This is an additional cost of just under \$28,000. He explained that the majority of the cost is for replacement of some deteriorated walls that were found when sheetrock was removed. Mr. Smith asked if there were any questions from the Council. Dr. Middlebrooks asked about the anticipated date of completion and Mr. Westhoven replied they were hoping by early January.

Mr. Smith asked if there were any additional comments from the Council or the audience and there were none. The City Council voted unanimously to approve Change Order No. 1.

6. **RESOLUTIONS NO. 5509-16 AND 5514-16 – AMEND BUDGET FYE 9/30/16 AND AUTHORIZE MAYOR TO EXECUTE AGREEMENT WITH USS REAL ESTATE TO PURCHASE PROPERTY ON SOUTH SHADES CREST ROAD**

Mr. Smith said these items have been requested to be continued to the next regular scheduled meeting. Mr. Greene made a motion to **continue** Resolution No. 5514-16 and Resolution No. 5509-16 until the December 19, 2016 Council meeting. Mr. Posey seconded the motion.

Mayor Brocato spoke regarding the interchange project at South Shades Crest Road. He said it is a very important project for the western side of town that he wanted to bring before the Council. He presented a map showing the location of the proposed interchange. He explained the importance of the purchase of the property, in the amount of \$2,000,000.00, from USS Real Estate that is necessary in order for the interchange project to move forward.

Mr. Shaw asked about the current status of the project as far as plans and designs and if everything is already there or is it necessary to go back to the drawing board from a planning perspective. Mr. Rod Long, City Engineer, said they have not started designing it but they do have an approval from 2010 from the federal highway administration for the concept of this interchange. Mr. Shaw asked what plans are needed at this stage. Mr. Long said there would be another traffic study done and environmental assessment before starting to design.

Mr. Murphy asked if there would be an expansion of South Shades Crest Road. Mr. Long said the previous study looked primarily at I-459. He said the interchange design would be one focus and looking at South Shades Crest Road would be a separate project. Mr. Long said that South Shades Crest Road is over capacity and is a worthy project to look at. Mr. Smith said he had recently spoken with County Commission President Jimmie Stephens and he had indicated they were looking at other upgrades in the area and there is a possibility that

Hoover could get some work done on the Jefferson County portion of South Shades Crest Road.

Mr. Posey asked if the project would be paid for out of capital funds. Mr. Long said the funding is typically an 80/20 split with federal funds. Mr. Posey asked if the purchase of the property would be coming from capital funds. Mr. Long replied it would.

Mr. Smith asked if there were any questions from the Council or the audience.

Mr. John Parker said he lives in the Woodlands and it takes an hour to get from his house to Hwy. 150 in the mornings. He said he would appreciate the Council supporting this plan.

Mr. Smith called for a vote on the motion and second to continue this to the next regular scheduled meeting. On voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5510-16 – REJECT ALL BIDS RECEIVED ON BID 24-16 – WRECKER, TOWING AND VEHICLE STORAGE SERVICES**

The City Attorney read **Resolution No. 5510-16** that would reject all bids received for the wrecker service and storage, Bid No. 24-16.

Mr. Greene made a motion to **approve** Resolution No. 5510-16. Mr. Posey seconded the motion. Mr. Smith asked if there were any questions from the Council or the audience.

**Ms. Perryn Carroll**, 3300 Cahaba Road, Suite 300, Birmingham, AL, 35223 (P.O. Box 530543, Birmingham, AL, 35253), spoke on behalf of Action Towing and Hoover Towing. She first requested that her comments be recorded in the minutes. Mr. Smith said that minutes are being taken. Ms. Carroll then stated that her clients submitted bids which materially complied with all bid specifications. She expressed concern that rejecting the bids at this point in the process, when they have it unsealed, compromises the integrity of the sealed bid process.

Mr. Powell explained the bid process for the wrecker towing services and said that three bids were received from Action and Hoover Towing and Pro-Tow. He said that after performing their due diligence reviewing the proposals it was found that none of the submitted bids met specifications and that is why they are asking the Council to reject the bid. He said he would disagree that their submittals complied with the bid specifications and said there were a number of areas where the two companies did not meet bid specifications. Particularly, their storage lot was approximately 16,000 sq. ft. and the City is asking for 100,000 sq. ft.; they did not have an interior bay that was secure that would provide an area for the Police Department to maintain a chain of evidence when required to do so; and they did not meet the requirements for the equipment. They did not have two 35-ton wreckers when the City visited their site. Mr. Powell said they did go out to each site and spoke with the principles at each location. He said they feel compelled to reject all of the bids at this time because none of them met the specifications. With the approval of the Council they intend to modify the specifications and re-bid the project at a future date.

Ms. Carroll stated to the Council that her client actually does have a storage lot that is in compliance. Mr. Smith asked if they have a storage lot or if they have access to a storage lot. Ms. Carroll said they have a lease and option to purchase. Mr. Smith asked if they had a

pending lease or a signed lease. Ms. Carroll said the lease is contingent on being awarded the contract. Ms. Carroll presented some information to the Council showing the area that she indicates complies with the storage lot specifications. She also said they do have the two 35 ton wreckers. Mr. Smith asked if they had acquired them since the inspection date. Ms. Carroll said they have acquired them recently and she didn't know if they were on site the day the City came for the inspection. Mr. Smith asked if they owned them at the time the bid was opened. A gentleman with Ms. Carroll said there was an agreement to purchase and deposits were made on them but the titles were not yet transferred. Ms. Carroll presented photographs of an area she described as heated, secure interior storage rooms suitable for investigation that is lock proof and large enough for two vehicles as specified with the lifts. Mr. Smith asked if that is the same site as the storage lot and he then asked the address of the site. Ms. Carroll replied it is the same location and the address is 2075 Valleydale Terrace. She said the current contract for towing and wrecker service with the contract extension has now expired. She requested that calls be sent out on a rotating alternate basis to include her client's towing company. Mr. Smith advised her to address that with the City Attorney after the meeting.

**Mr. Jehad Al-Dakka**, Executive Officer with the Hoover Police Department, came forward and pointed out that their storage location does not comply in another area; it is not located within the city limits as per the bid specifications. Ms. Carroll said it is within 4 miles of the municipal center and across the street from the other Hoover municipal facility. She said there is no site in the city limits of Hoover that is properly zoned that meets the square foot specifications.

Mr. Murphy asked if there was any information in the bid that states the owner must meet the specifications at the time or acquire it at a later date. Mr. Powell said the bid specifications are silent to that but it is common practice to award a bid only if those specifications are met at the time of the bid opening. He said there is not a provision that says you have six weeks or six months to meet the specifications. Mr. Powell explained that at the time the bid is awarded is when services are expected to be performed.

Ms. Carroll agreed that the bid is silent as to when those specifications have to be complied with. Ms. Carroll said the current service provider that has the exclusive towing contract with the City of Hoover and has since 1989 does not meet those bid specifications in that they do not have 100,000 sq. ft. in the City of Hoover for their facility either. Mr. Smith said that the motion before this body is to reject the bid. He said it will be re-bid and Ms. Carroll's client will have another opportunity to bid. Mr. Shaw asked if the provision would be added to the bid specifications. Mr. Powell said that could be done.

**Mr. Jeff Dean**, 2075 Valleydale Terrace, owner of Action Towing, asked why, if the contract has expired and none of the companies meet the specifications, does one company have the right to tow versus another company with the contract already expired. Mr. Smith said Mr. Dean may want to have a conversation with the City Attorney. Mr. Dean said he has already spent \$480,000 to comply with the specifications. Mr. Smith said that according to the Mayor's staff no one met specifications and because of that they have before them a motion to reject all bids so they can start the process over and that will give them another

opportunity. Mr. Dean asked about a timeline for a new bid. Mr. Powell said they hoped to have the new specifications ready within two to three weeks and solicit bids shortly thereafter.

**Mr. Jack Hughstead**, 4795 Hwy 11, Pelham, Alabama, asked since there is no contract and neither party is meeting the specifications would the current provider, Pro-Tow, continue to operate exclusively or could Action Towing participate until this process plays out. Mr. Smith said this would be a matter for legal counsel. Mr. Powell said he would like to add that they have verbally extended the agreement with Pro-Tow and because the bid specifications were soliciting proposals for a future contract they did not go back and look at what's being done under the current contract. They are looking forward at whether or not the companies and what they propose meet the specifications. Mr. Smith said this will not be litigated tonight and he recommended that it be taken up with the legal staff after the meeting. Ms. Carroll spoke from the audience and expressed concerns with Mr. Powell's comments regarding the current provider operating under a verbal agreement.

Mr. Smith thanked Ms. Carroll for her comments. He then called for the question. On voice vote the motion carried unanimously.

8. **RESOLUTIONS 5511-16 AND 5512-16 – AUTHORIZE MAYOR TO EXECUTE AMENDMENTS TO TOWER LICENSE AGREEMENTS WITH CROWN CASTLE**

The City Attorney read two resolutions that would authorize the Mayor to execute Second Amendments to Government Entity Tower License Agreements with Crown Castle GT Company, LLC, and Crown Castle South, LLC, to acknowledge and memorialize the modification of the City's public safety communications antennas and equipment on the following telecommunications towers:

Resolution No. 5511-16 – Tower located next to the Hoover Senior Center.

Resolution No. 5512-16 – Tower located behind The Grove Shopping Center on Hwy. 150

Mr. Greene made a motion to **approve Resolution No. 5511-16 and Resolution No. 5512-16**. This motion was seconded by Mr. Posey. On voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5513-16 APPROVAL OF ISSUANCE OF REVENUE BONDS BY SPECIAL CARE FACILITIES FINANCING AUTHORITY OF PELL CITY FOR THE BENEFIT OF NOLAND HEALTH SERVICES INC.**

The City Attorney read Resolution No. 5513-16 that would approve the issuance of revenue bonds by the Special Care Facilities Financing Authority of the City of Pell City to provide financing for the benefit of Noland Health Services, Inc. for any bond-financed facilities that are or will be located in the City of Hoover.

Mr. Greene made a motion to **approve Resolution No. 5513-16**. This motion was seconded by Mr. Posey. Mr. Smith asked for any questions from the Council.

Mr. Murphy thanked Noland Health Services for doing business in the City of Hoover, noting that they have been in the City since 2006 and has 75 employees in the City of Hoover.

Mr. Smith asked if there were any additional comments or questions from the Council or the audience and there were none. Mr. Smith said that Hoover is one of seven municipal entities around Alabama providing a similar vote. He explained that this does not create any obligation on the City of Hoover, It is just one of the processes needed to allow them to go to the bond market using Pell City as the issuer.

There being no further discussion, on voice vote the motion carried unanimously.

#### 10. **PAYMENT OF BILLS**

Mr. Posey stated he had reviewed the bills and made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene. On voice vote the motion carried unanimously.

Mr. Smith called for comments or questions from the Council.

**Mr. Posey** stated that he and Mr. Greene had attended the **Bluff Park Christmas Parade**. He said it was a well-organized and successful event. He estimated there were 300 to 400 people attending and everyone had a great time. Mr. Smith congratulated Mr. Sam Swiney on the success of the parade.

**Mr. Murphy** recognized **Mr. Craig Kelly and Mr. Stephen Presley, Hoover School Board Members**, who were present in the audience. He encouraged Mr. Presley to consider seeking an additional term upon the expiration of his current term.

**Mr. Smith** recognized former council member, **Mr. Joe Rives**, who was present in the audience.

**Mr. Dan Fulton**, 1440 Alford Avenue, stated the Board of Education would meet on December 12<sup>th</sup>. The Advisory Board will be reporting on December 13<sup>th</sup>. He talked about the need for revenue for the schools.

**Mr. Arnold Singer**, 613 Riverhaven Place, said the Friends of Hoover would meet on December 12<sup>th</sup> at 11:00 a.m. at the Capers Café and would be honoring Mr. Dan Fulton as volunteer of the year. Then on January 23<sup>rd</sup> the Friends of Hoover will be hosting Mayor Brocato with his state of the city address.

There were no further comments or questions and the meeting was adjourned.

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Margie Handley  
City Clerk