

NOTICE AND CALL OF SPECIAL MEETING

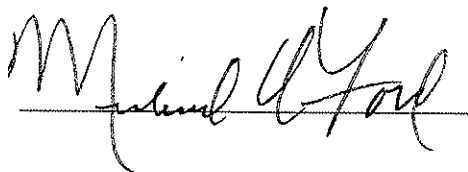
Notice is hereby given of a special meeting of the City Council of the City of Fairhope, Alabama, to be held at the Fairhope Municipal Complex on Friday, June 4, 2010, at 9:00 a.m., for the purpose to:

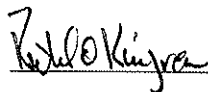
1. Approve purchases for the Deepwater Horizon Oil Spill
2. Approve Representation Agreement with Cunningham Bounds, L.L.C. to represent the City of Fairhope in conjunction with the Deepwater Horizon Oil Spill

  
 Lonnie Mixon, Council President

CONSENT TO HOLDING OF MEETING


The undersigned members of the City Council of the City of Fairhope, Alabama, do hereby acknowledge service of the Notice and Call of Special Meeting hereinabout set forth and do hereby consent to the holding of such meeting as such time in such place for the purpose set forth therein.

  
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Attest:

  
 Candace Antinarella, Assistant City Clerk

STATE OF ALABAMA                    )(  
   :  
 COUNTY OF BALDWIN                )(

The City Council, City of Fairhope, met in a Special Session at 9:03 a.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Friday, 4 June 2010.

Present were Council President Lonnie L. Mixon, Councilmembers: Debbie W. Quinn, Michael A. Ford, and Rick Kingrea, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and Assistant City Clerk Candace G. Antinarella. City Clerk Lisa A. Hanks was absent.

There being a quorum present, Council President Mixon called the meeting to order. Mixon stated that all present Councilmembers had executed the Consent to Holding of Meeting.

Council President Mixon stated the first item is to approve the purchases associated with the Deepwater Horizon Oil Spill. He asked Ken Eslava to come forward. Mr. Eslava was asking the city council for approval of the implementation of a Fairhope Strategic Booming Plan to be put in place to protect the citizens of the Eastern Shore. He provided a map to be viewed to show his intentions. Mr. Eslava suggested starting where British Petroleum (BP) left off and run the boom about ninety-five hundred (9,500) feet north and run south to the Grand Hotel in Point Clear and tie into where BP completed their efforts. He then explained the exact locations of where the booms will go as well as a second line of defense. Boom will be added to protect the Grand Hotel/Point Clear beaches. There will be two lines of defense with the boom provided.

Mayor Kant emphasized to the Council that we must use this money the City received from the grant as part of the Federal Response Plan. If we as a City do not use the money, it will have to be given back. He stated that we will be audited within the next month to see if we have spent the money.

Mr. Eslava stated that the City's plan with the boom is to protect and absorb. He stated that when BP provided the grant, they did not ask for a scope of work. Mayor Kant supported Mr. Eslava by stating that BP did not require an indication of the boundaries of where the boom would go, but only where we think it should be.

Councilmember Quinn questioned Montrose property and who would boom this property. Mr. Eslava responded to Councilmember Quinn that he will talk to the County to cover the Montrose area.

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Councilmember Ford stated that we need to protect the Grand Hotel as it helps us downtown.

Don White was added to the agenda to discuss his business and booms that he suggested the City consider. Council President Mixon suggested to Mr. White to stay in contact with Mr. Eslava.

Councilmember Quinn introduced in writing, and moved for the adoption of a resolution to hire Pittman Tractor Company, Inc. to execute a boom plan for the City of Fairhope as long as Montrose is remembered. Seconded by Councilmember Kingrea, motion passed unanimously by voice vote.

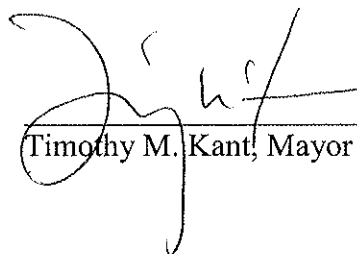
**RESOLUTION NO. 1653-10**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute a contract with Pittman Tractor Company, Inc. for the following services related to the Deepwater Horizon Oil Spill:

**Please see attached memorandum with quotes for  
containment/absorbent boom**

These items will be funded by monies received from a block grant directly from British Petroleum as part of the Federal Response Plan.

Adopted on this 4th day of June 2010

  
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Timothy M. Kant, Mayor

Attest:

  
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Lisa A. Hanks, City Clerk

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**QUOTES FOR CONTAINMENT/ABSORBENT BOOM**

	Pittman (Daphne)	McKnight (Pensacola)	Crowder-Gulf (Theodore)	Oil Recovery (Mobile)	IED (Foley)
Purchase/deploy/anchor Containment boom (24" boom)	\$19.50/ft	\$21.72/ft	\$31.15/ft	No quote	
Recover containment boom (if not impacted by oil)	\$11,900 (lump sum)	did not submit price	\$28,125 (lump sum)	No quote	
Purchase/deploy/anchor Absorbent boom (8")	\$4.95/ft	\$8.32/ft	\$5.58/ft	\$6.12/ft	
Recovery/disposal of Absorbent boom (if not impacted by oil)	\$2.50/ft.	did not submit price	\$2.25/ft	\$1.58/ft	
Implement after NTP	3-4 days	2-4 days	1-2 weeks	+/_ 2 days	

Based on my recommendation to award a contract to Pittman Tractor Company, Inc., who has submitted the low bid for the required services, the following costs would apply:

See Fairhope Booming Strategy Map for proposed physical location of boom placement.

**Scope of containment boom plan**

Purchase, deploy, anchor and recover 21,500 feet of 24" containment boom per the Fairhope Booming Strategy map (9,500', 11,000' & 1000')  
 Cost ..... \$443,050.00

**Scope of absorbent boom plan**

Purchase, deploy, anchor and recover 24,500 feet of 8" absorbent boom per the Fairhope Booming Strategy map (12,500' & 11,000' & 1000')  
 Cost ..... \$182,525.00

**TOTAL COST OF BOOMING ..... \$625,575.00**

**ADDITIONAL PROJECTED COSTS TO HIRE CONTRACT LABOR**

There will be a need to hire contract labor, who are Haz-Mat certified, to assist in beach clean up operations. We anticipate that Haz-Mat certified members of the Fairhope Volunteer Fire Department will assist in this response. This labor will be utilized as resources over and above what BP can provide. Ken Eslava will supervise, and manage time, during the activation period for these employees.

5 certified men @ \$10.00/hour X 10 hour shift X 48 days = \$24,000.00

**GRAND TOTAL OF REQUESTED EXPENDITURE ..... \$649,575.00**

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Councilmember Kingrea stated that this is a contract for representation, not filing a lawsuit. He went on to say that Fairhope doesn't have much of a claim right now, but we have a law firm on the ground to direct us as needed. He stated that we can still negotiate with BP and having this representation is only being prepared. This is a contingent contract so we pay nothing unless we recover any money.

Council President Mixon stated that there is not a clock running if we call this firm.

Councilmember Quinn stated that she is upset that Tut Wynne, City Attorney, did not know anything about this and Wynne is our City Attorney. She is concerned that if we hire an attorney now it will be known to BP.

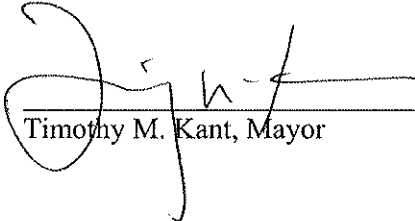
Mayor Kant said that claims are the problem. At this point, we will have economic claims, not environmental claims. He further stated that there have been 6,500 claims filed thus far in Mobile and Baldwin Counties. He said we will have problems down the road and need to have a firm in place. Councilmember Ford said there is already a loss of rentals in this area.

Councilmember Quinn talked to surrounding areas and Spanish Fort nor Gulf Shores are engaged in a legal contract and does not want Fairhope to be way ahead of the horse and cart. Councilmember Kingrea disagreed with Councilmember Quinn and realizes there will be claims. He said that hiring a firm and filing a lawsuit are two different things. He said that we should be smart. After further discussion, motion passed by the following voice votes: AYE – Mixon, Ford, and Kingrea. NAY – Quinn.

**RESOLUTION NO. 1654-10**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, that Mayor Timothy M. Kant is hereby authorized to execute a Representation Agreement with Cunningham Bounds, L.L.C. to represent the City of Fairhope against BP PLC and Transocean Ltd. as a result of the Deepwater Horizon Oil Spill.

DULY ADOPTED THIS 4TH DAY OF JUNE, 2010

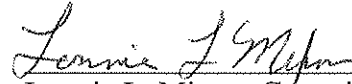
  
 Timothy M. Kant, Mayor


Attest

  
 Lisa A. Hanks, City Clerk

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There being no further business to come before the City Council, the meeting was duly adjourned at 9:37 a.m.

  
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Lonnie L. Mixon, Council President

  
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Candace G. Antinarella, Assistant City Clerk