

AGENDA

REGULAR MEETING OF THE COUNCIL CITY OF BIRMINGHAM, ALABAMA CITY COUNCIL CHAMBERS – THIRD FLOOR CITY HALL

January 5, 2010 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Father Alex Steinmiller, President of Holy Family Cristo Rey Catholic High School

PLEDGE OF ALLEGIANCE: Councilmember Lashunda Scales

ROLL CALL

MINUTES NOT READY: August 4 – December 29, 2009

COMMUNICATIONS FROM THE INTERIM MAYOR

ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – February, 2010

CONSIDERATION OF CONSENT AGENDA

All items designated as “Consent” are considered to be routine and non-controversial and will be approved by one motion. No separate discussion of these items will be permitted unless a Councilmember, the Mayor or Citizen interested in a public hearing so requests, if so, such item(s) will revert to its normal place on the Agenda Order of Business. All matters of permanent operation (“P”) will be read. All other matters will be announced by reading the Item Number only. All Public Hearings will be announced.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

(ph)

ITEM 1.

A Resolution relative to the application of West Goldwire Clubhouse LLC for a Special Retail License 160 to be used at **Hilltop Manor Tourist Home and Gardens**, 2736 Ishkooda Wenonah Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee) (Deferred from 12/8/09 to 12/22/09 and Deferred from 12/22/09 to 1/5/2010)

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

ITEM 2.

A Resolution approving the agreement with **Bethel Baptist Church Community Restoration Fund**, Birmingham, in an amount not to exceed \$1,000,000.00, to renovate, preserve and maintain the properties known as the historic Bethel Baptist Church and Shuttlesworth parsonage for use for educational, community, school and human relation events, activities and/or programs for citizens of Birmingham, and authorizing the Interim Mayor to execute the agreement. [**Appropriated in the FY 2010 Budget**] (Submitted and Recommended by the Interim Mayor)

CONSENT

ITEM 3.

A Resolution approving the appointment of **MBA Structural Engineers, Inc.**, Birmingham, in an amount not to exceed \$29,278.00, to provide structural engineering and special inspection services for the Fair Park Redevelopment Project, and authorizing the Interim Mayor to execute the appointment letter. [**Appropriated in the FY 2010 Budget; GL Account: 102_000.527-014; Project Code PEP102CP 003625**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Director of Planning, Engineering and Permits)

ITEM 4.

A Resolution approving the appointment of **Malcolm Pirnie, Inc.**, Birmingham, in an amount not to exceed \$312,600.00, to provide engineering, surveying and data collection and analysis services for FEMA Planning Grant, and authorizing the Interim Mayor to execute the appointment letter. [**Appropriated in the FY 2010 Budget; GL Account: 035_016.527-014; Project Code PEP035GR 013885**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Director of Planning, Engineering and Permits)

ITEM 5.

A Resolution amending Resolution No. 67-09, adopted by the Council January 27, 2009, extending the term of the contract with **the Birmingham-Jefferson County Transit Authority** from one (1) year ending January 31, 2010 to eighteen months, ending June 30, 2010, to allow for conformity with the terms of the written contract. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Transportation and Communication Committee)**

CONSENT

ITEM 6.

A Resolution determining that the building or structure located at 4009 – 29th Street North, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 7.

A Resolution determining that the building or structure located at 3525 – 39th Place North, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 8.

A Resolution determining that the building or structure located at 313 Macon Street, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 9.

A Resolution determining that the building or structure located at 1427 – 16th Street North, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 10.

A Resolution determining that the building or structure located at 4624 Richard Arrington Jr. Boulevard North, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 11.

A Resolution determining that the building or structure located at 2724 – 40th Avenue North, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 12.

A Resolution determining that the building or structure located at 2028 Dawson Avenue and Shed, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 13.

A Resolution determining that the building or structure located at 3502 – 34th Court North, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 14.

A Resolution determining that the building or structure located at 912 – 5th Street Pratt City and Garage, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 15.

A Resolution determining that the building or structure located at 12 Center Place North, Buildings 2, 4, 6, 8, 12, 16 and 20, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 16.

A Resolution determining that the building or structure located at 312 Templeton Road, Birmingham to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT**ITEM 17.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Robert Batley**, the owner or agent of the property located at 5305 Division Avenue and Garage, Birmingham, which was condemned by the Council October 27, 2009, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT**ITEM 18.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Wilbert L. Wilson**, the owner or agent of the property located at 119 – 9th Avenue West, Birmingham, which was condemned by the Council December 6, 2005, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT**ITEM 19.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Clifford and Patricia B. Elliott**, the owners or agents of the property located at 3032 – 33rd Court North, Birmingham, which was condemned by the Council May 4, 2004, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, two (2) permits having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT**ITEM 20.**

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Lenair Gamble**, the owner or agent of the property located at 830 – 1st Street Pratt City, Birmingham, which was condemned by the Council April 29, 2008, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 21.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Otis L. Graham, Jr.**, the owner or agent of the property located at 430 – 11th Street S.W., Birmingham, which was condemned by the Council July 24, 2007, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 22.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Brenda L. Roberson**, the owner or agent of the property located at 2200 – 10th Street Pratt City, Birmingham, which was condemned by the Council November 10, 2009, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 23.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Carlos M. Rosales**, the owner or agent of the property located at 3628 Laurel Avenue S.W., Birmingham, which was condemned by the Council December 8, 2009, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 24.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Robert Batley**, the owner or agent of the property located at 5300 Division Avenue, Birmingham, which was condemned by the Council November 10, 2009, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, one (1) permit having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 25.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **Bee and Gee Construction LLC**, the owner or agent of the property located at 3623 – 15th Avenue North, Birmingham, which was condemned by the Council November 10, 2009, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, no previous permits having been requested. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 26.

A Resolution authorizing the Director of Planning, Engineering and Permits to issue a building permit to **McArthur Melton**, the owner or agent of the property located at 1305 – 32nd Street North, Birmingham, which was condemned by the Council September 20, 2005, in order to remove the weeds and trash from the premises within ten (10) days of permit issuance and to commence and make substantial repairs within 30 days of permit issuance, three (3) permits having been voided due to the lack of substantial repairs. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 27.

A Resolution rescinding Resolution No. 1313-09, adopted by the Council August 25, 2009, accepting the lump sum bid of **Robertson Glass Company, LLC** in the amount of \$13,950.25, for the installation of bullet resistant glass at the City Jail, due to the contractor being non-responsive and unable to provide work according to specifications. (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 28.

A Resolution accepting the lump sum bid of **Nelson-Brantley Glass Contractors, Inc.**, 2924 – 3rd Avenue South, Birmingham, in the amount of \$15,535.00, for installation of bullet resistance glass at the City Jail, this being the lowest bid submitted meeting specifications, and authorizing the Interim Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY 2009 Budget; 052_043.600-002**] (Submitted by the Interim Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Two Bids Submitted)

CONSENT**ITEM 29.**

A Resolution accepting and approving the bid of **Dowdy and Associates**, Birmingham, for the purchase of HVAC variable speed drives as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Public Works Department, this being the lowest bid submitted. [**Appropriated in the FY 2010 Budget; GL Account 001.049.40200.40229.511.004**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Seven Bids Submitted)

CONSENT**ITEM 30.**

A Resolution accepting and approving the bid of **Dunn Construction**, Birmingham, for the purchase of plant mix asphalt for the Eastern Section and Western Section of Birmingham as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the Public Works Department, this being the lowest bid submitted. [**Appropriated in the FY 2010 Budget**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Two Bids Submitted)

CONSENT**ITEM 31.**

A Resolution approving payment to **Capital Chevrolet, Inc.**, Montgomery, Alabama, for the full size, police pursuit, four (4) door, utility vehicles as needed for a period of six (6) months and month to month thereafter for the Police Department, based on bid awarded contract by the State of Alabama Contract No. 4009213, T-Number T191L. [**Appropriated in the FY 2010 Budget; G/L Account 035_043.600-007; Project POL035GR 016113**] (Submitted by the Interim Mayor) (Recommended by the Purchasing Agent, the Director of Equipment Management and the Chief of Police)

CONSENT**ITEM 32.**

A Resolution authorizing the Director of Finance to make a refund in the amount of \$8,980.00. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)**

ITEM 33.

A Resolution approving the following **Expense Account:** (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)**

Johnathan F. Austin, Councilor, City Council, Washington, District of Columbia, \$1,341.02, November 18-20, 2009 to attend Mayor’s Office of Grant Management Conference.

ITEM 34.

A Resolution approving the following **Estimated Expense Account:** (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)**

R. Scott Colson, Assistant to the Mayor, Mayor’s Office, Fairhope, Alabama, \$518.00, January 7-8, 2010 to attend Sister City State Meeting.

CONSENT

ITEM 35.

A Resolution approving the itemized expense accounts of city employees. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)**

CONSENT

ITEM 36.

A Resolution approving the estimated expense accounts of city employees. (Submitted by the Interim Mayor) (Recommended by the Deputy Director of Finance)**

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT

NOTE: The following matters were withdrawn:

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Acton Limousine, Inc., 5128 Valleybrook Circle, Birmingham, AL 35244.

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Sheraton Civic Center Hotel, 2101 Civic Center Boulevard, Birmingham, AL 35203.