

## **AGENDA**

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

**February 2, 2010 - - 9:30 A.M.**

**WEB SITE ADDRESS: [www.birminghamal.gov](http://www.birminghamal.gov)**

**INVOCATION: Reverend Ralph F. Patterson, Jr., Senior Pastor's Assistant of Greater Saint John Missionary Baptist Church**

**PLEDGE OF ALLEGIANCE: Council President Pro Tempore Steven Hoyt**

**ROLL CALL**

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: August 18, 2009**

**MINUTES NOT READY: August 25 – December 29, 2009, January 5 - 26, 2010**

**COMMUNICATIONS FROM THE MAYOR**

**ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – March, 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.**

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2009-00126**) to change zone district boundaries from R-4 Multi-Family District (Jefferson County) to B-3 Community Business District (City of Birmingham), filed by the Department of Planning, Engineering and Permits, City of Birmingham, representing the owners, LAKD Land Holdings, LLC, for property located at 5001, 5111 and 5115 Cahaba River Road, situated in the NW ¼ of Section 35, Township 18 South, Range 2 West, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Birmingham Planning Commission and the Planning and Zoning Committee)\*\*

**CONSENT(ph)****ITEM 2.**

A Resolution granting two (2) Certificates of Public Necessity and Convenience to Avia Valet and Parking Services, Inc., d/b/a **Avia Luxor Limousines**, 270 Doug Baker Boulevard, Suite 700-315, Birmingham, to operate one (1) limousine luxury bus and one (1) stretch luxury or specialty limousine as public service vehicles upon the streets of Birmingham, and the **hearing** of all interested parties. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by Councillor Rafferty, Chairperson, Transportation and Communication Committee)

**(ph)****ITEM 3**

A Resolution assenting to the vacation of 8,864 square feet of the cul-de-sac of Goldwire Circle that runs perpendicular to Goldwire Street and runs parallel to and between 4<sup>th</sup> Avenue S.W. and 5<sup>th</sup> Avenue S.W., on behalf of **the City of Birmingham**, owners, so the vacated right-of-way can be incorporated into the existing property to create single family residential lots for the Goldwire Heights Subdivision, and the **hearing** of all interested parties, **Case No. SUB2009-00057**. (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*

**INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS**

**ITEM 4.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$15,700.00 of Fund 123 2000-A Warrants from Fire Station #22 to Smithfield Library to replace the granite entryway. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Deputy Director of Finance)\*\*

**ITEM 5.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$5,000.00 of Fund 129 2007-A Bonds (Storm Sewer) from Lance Boulevard Ditch to 46<sup>th</sup> Avenue Pipe Replacement to replace the old terra cotta pipe at 4223 – 46<sup>th</sup> Avenue North. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Deputy Director of Finance)\*\*

**ITEM 6.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$233,000.00 of Fund 001 General Fund from Fund Balance to Municipal Court – Professional Services – Indigent Defense (Fair Trail Tax) which is paid for by fees and fines collected by the City. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Deputy Director of Finance)\*\*

**CONSENT**

**ITEM 7.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$90,000.00 of Fund 001 General Fund from City Council – Professional Services – Consulting Fees and appropriating \$10,000.00 to each Council District Discretionary Projects.. (Submitted by the Mayor) (Recommended by the Deputy Director of Finance)\*\*

**CONSENT**

**ITEM 8.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET AND CAPITAL FUND BUDGET” by transferring \$1,700.00 of Fund 001 General Fund from Non Departmental – District #9 Council Discretionary Projects to Parks and Recreation – Capital Outlay – Equipment to purchase equipment for the McAlpine Recreation Center. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Deputy Director of Finance)\*\*

**CONSENT****ITEM 9.**

A Resolution approving the agreement with **the Literacy Council of Alabama**, Birmingham, in a total amount not to exceed \$28,000.00, renewable annually subject to funds availability, to plan, develop and implement a public awareness campaign highlighting literacy and the need for parental and community involvement, programs to solicit and distribute literacy materials and books to homes of at-risk children, families, and to literacy providers, operate the Literacy Helpline, match tutors and learners for one-on-one learning experiences, and refer learners and volunteers to literacy programs, train and certify literacy tutors for English and non-English speaking families, and train community practitioners in Adult Literacy Education Resource Training (ALERT), and authorizing the Mayor to execute the agreement. **[Appropriated in the FY2010 Budget; GL Account: 001\_400\_96600\_96621.550-007]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Mayor)

**CONSENT****ITEM 10.**

A Resolution approving the agreement with **the United Negro College Fund**, Birmingham, in a total amount not to exceed \$80,000.00 per year, renewable annually subject to funds availability, to provide scholarships to deserving, financially challenged Birmingham area students, continue to fulfill a leadership role in the education of our future leaders working to close the educational attainment gap between African Americans and the majority population, and authorizing the Mayor to execute the agreement. **[Appropriated in the FY2010 Budget; GL Account: 001\_400\_96700\_96731.550-008]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Mayor)

**CONSENT****ITEM 11.**

A Resolution approving the appointment of **Bhate Geosciences Corporation**, Birmingham, in an amount not to exceed \$19,695.00, to provide geotechnical observation and documentation services for the Vulcan Trail Slope Stabilization, and authorizing the Mayor to execute the appointment letter. **[Appropriated in the FY2010 Budget; GL Account: 129\_384.527-014]** (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Planning, Engineering and Permits)

**ITEM 12.**

A Resolution adopting and approving the 2009 Jefferson County Interim Multi-Hazard Mitigation Plan. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits) \*\*

**CONSENT**

**ITEM 13.**

A Resolution determining that **the Neighborhood Small Business Economic Development Informational Summit** to be held Monday, March 8, 2010 at the Sheraton Civic Center Grand Ballroom, serves a public purpose that promotes goodwill and serves a public interest, requesting that Birmingham funds in an amount not to exceed \$5,000.00 be used to pay for the event, and authorizing the Mayor to execute an appointment letter for The Patton Group to serve as the fiscal agent for the event. [GL Account 001\_010\_4200.527-020] (Submitted by Councillor Scales, Chairperson, Economic Development Committee) (Recommended by the Economic Development Committee)\*\*

**CONSENT**

**ITEM 14.**

A Resolution determining that **the Sickle Cell Gala 2010** sponsored by the Sickle Cell Disease Association of America, to be held Saturday, February 6, 2010 at the Sheraton Civic Center Grand Ballroom, serves a public purpose that promotes goodwill and serves a public interest. (Submitted by Councillor Hoyt, Chairman, Budget and Finance Committee) (Recommended by the Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 15.**

A Resolution determining that the building or structure located at 1413 – 17<sup>th</sup> Street S.W., Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 16.**

A Resolution determining that the building or structure located at 4513 – 11<sup>th</sup> Avenue North and Garage, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 17.**

A Resolution determining that the building or structure located at 1112 Pratt Highway, Rear Structure, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 18.**

A Resolution determining that the building or structure located at 324 Court F Pratt City, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 19.**

A Resolution determining that the building or structure located at 1310 – 17<sup>th</sup> Avenue South (A, B &C) Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

**CONSENT**

**ITEM 20.**

A Resolution accepting and approving the bid of **West Chatham Warning Devices**, Savannah, Georgia, for the purchase of emergency vehicle lightbars, sirens, etc. 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 Police Department, this being the lowest bid submitted. [**Appropriated in the FY 2010 Budget; 031.202.39000.39001.516.006, 001.043.26000.26001.516.006, and 001.037.01930.01931.512.003**] (Submitted by the Mayor) (Recommended by the Purchasing Agent, the Director of Information Management Services and the Chief of Police) (Twelve Bids Submitted)

**ITEM 21.**

A Resolution authorizing the Deputy Director of Finance to pay **the Birmingham-Jefferson County Civic Center Authority** \$187,548.53 as reimbursement for Invoice No. 964088, dated December 30, 2009, as part of the Birmingham Jefferson County Civic Center expansion project. [**GL Account 001\_000\_99999\_99006.652-040**] (Submitted by the Mayor) (Recommended by the Budget and Finance Committee)

**CONSENT**

**ITEM 22.**

A Resolution accepting the dedication of Goldwire Terrace as shown on the Final Plat Goldwire Heights Subdivision – Sector II, **Case No. SUB2009-00057**. (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by the Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*

**CONSENT**

**ITEM 23.**

A Resolution authorizing the Director of Finance to make a refund in the amount of \$1,282.91. (Submitted by the Mayor) (Recommended by the Deputy Director of Finance)\*\*

**ITEM 24.**

A Resolution approving the following **Expense Accounts:** (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

Kevin L. Owens, Administrative Assistant, Mayor's Office, \$489.25, October 22-23, 2009, to attend Alabama-Georgia City-County Management Association Conference in Columbus, Georgia.

Kevin L. Owens, Administrative Assistant, Mayor's Office, \$222.05, November 13-15, 2009, to attend a site visit for possible recruitment in Mobile, Alabama.

**CONSENT**

**ITEM 25.**

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

**ITEM 26.**

A Resolution setting a public hearing **March 9, 2010**, to consider the adoption of a resolution assenting to the vacation of 27,297 square feet of 48<sup>th</sup> Street North, Division Avenue and alleyway that lies between the Norfolk Southern Railroad tracks and 1<sup>st</sup> Avenue North and also between 47<sup>th</sup> Street North and 49<sup>th</sup> Street North, on behalf of **Shannon S. Riley, Bennie D. Holmes, Barbara A. Thrasher, James House and Central of Georgia Railroad Company**, owners, **Case No. SUB2009-00031**. (Submitted by Councillor Roberson, Chairman, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUESTS FROM THE PUBLIC**

**ADJOURNMENT**

**NOTE:       The following matter was withdrawn:**

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Magic City Limousine and Sedan LLC, 6378 Yellowhammer Drive, Pinson, AL 35126.