

AGENDA

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

March 2, 2010 - - 9:30 A.M.

WEB SITE ADDRESS: www.birminghamal.gov

INVOCATION: Reverend Dr. Thomas Gilmore, Pastor of First Baptist Church, Ensley

PLEDGE OF ALLEGIANCE: Councilmember LaShunda Scales

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: October 6, 13, and 20, 2009

MINUTES NOT READY: October 27 – December 29, 2009 and January 5 – February 23, 2010

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS - April 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 amend Title III: “Miscellaneous Regulations”, Article VI: Supplementary Regulations and Modifications, Section 2.4c; Article VII: Administration, Interpretation, Amendments, and Annual Review, Section 3, Subsection 4; and Article VIII: Zoning Board of Adjustment, Section 5 of the Zoning Ordinance of the City of Birmingham (Ordinance No. 90-130 as amended), filed by the Zoning Advisory Committee, in order to add increase the filing fees for garage sales, Zoning Advisory Committee requests, and Zoning Board of Adjustment requests; and correct a previous error in Ordinance 08-237 (ZAC2009-00082) which incorrectly amended Section 5: Powers and Duties of the Zoning Board of Adjustment (City Wide), and the **hearing** of all interested parties, **Case No. ZAC2009-00157**. (Submitted and Councilor Abbott, Chairperson, Planning and Zoning Committee) (Recommended ZAC and the Planning and Zoning Committee)**

(ph) ITEM 2.
A Resolution relative to the application of Children Dance Foundation for a Special Events License 140 to be used at **Mad Hatter** on March 11, 2010 at 2830 6th Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted and Recommended by Councillor Austin, Chairman, Public Safety Committee)

CONSENT(ph) ITEM 3.
A Resolution revoking the Certificates of Public Necessity and Convenience issued to Hank’s Acquisition Corporation, d/b/a American Medical Response of Alabama, 128 West Park Drive, Birmingham, to operate an ambulance service, for failure to file the required liability insurance, and the **hearing** of all interested parties. (Submitted by the City Attorney)

CONSENT(ph) ITEM 4.
A Resolution relative to the application of **Wesley Williams**, 2948 Avenue Z, Birmingham, for an Itinerant Junk Dealer’s Permit, and the **hearing** of all interested parties. (Submitted by Councillor Austin, Chairman, Public Safety Committee)(No Recommendation received from the Chief of Police and the Public Safety Committee)**

CONSENT(ph) ITEM 5.

A Resolution authorizing the abatement of the nuisances existing on the following properties and the costs of such abatement to be assessed against and constitute a lien upon such properties, and the **hearing** of all interested parties: (Submitted by the City Attorney) (Recommended by Councillor Roberson, Chairman, Public Improvements and Beautification Committee)

1	22-14-1-03-05.000-RR	4023 28TH PL N 35207	LOT 6 BLK 8 FAIRMONT
2	23-08-3-17-03.000-RR-01	4314 45TH AVE N 35217	LOTS 3 & 4 BLK 10 MOUNTAIN PARK RESUR 13/10
3	30-02-2-16-12.000-RR	5431 11TH AVE 35224	LOTS 16 & 17 CHEMICAL HILL
4	22-32-2-07-09.000-RR	1920 10TH ST 35214	W 1/2 LOT 7 BLK 3 HUEY LD CO
5	29-06-1-13-05.000-RR	1849 PIKE RD 35218	LOTS 14 & 15 BLK 1 ENSLEY 7TH ADD
6	24-09-3-08-05.000-RR	2233 MAIN ST 35210	LOTS 5 THRU 8 BLK 14 MAP OF 1ST ADD LIBERTY HIGHLANDS
7	22-23-4-04-29.000-RR	2215 20TH PL N 35234	P O B 100 FT NW OT NW INTER 20TH PL N & 22ND AVE N TH NW 100 FT ALG 20TH PL N TH NE 93 FT S TH SE 100 FT TH SW 95 FT CONTINUED
8	22-23-4-04-34.003-RR	2217 20TH PL N 35234	LOT 10 BLK 2 J C WESTBROOK SUR LYING NE OF 20TH PL N
9	22-23-4-04-28.000-RR	2229 20TH PL N 35234	P O B 300 FT NW OF NW INTER 20TH PL N & 22ND A
10	30-01-1-17-05.000-RR	2923 AVENUE B 35218	LOT 6 BLK 8 ENSLEY DEV CO
11	30-01-1-17-04.000-RR	2913 AVENUE B 35218	LOTS 4 & 5 BLK 8 ENSLEY DEV C
12	30-01-1-17-02.001-RR	2909 AVENUE B 35218	LOT 2 BLK 8 ENSLEY DEV CO
13	30-01-1-17-03.000-RR	2911 AVE B 35218	LOT 3 BLK 8 ENSLEY DEVELOPMENT CO SUR
14	22-14-1-21-14.000-RR	2716 40TH AVE N 35207	LOT 5 BLK 3 M C TYLER & J H BERRYS ADD TO FAIRMONT
15	22-01-3-11-04.000-RR	5313 LEWISBURG RD 35207	LOT 5 BLK 8 G R HARSH SUR 5/44
16	22-13-4-29-06.000-RR	3425 30TH AVE N 35207	LOT 6 BLK 6 SOUTH DOUGLASVILLE
17	22-13-4-35-01.000-RR	3157 28TH AVE N 35207	LOT 38 BLK 2 WHITNEY-GAYLE & VANN ADD

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

CONSENT

ITEM 6.

An Ordinance to amend Ordinance No. 10-1 adopted by the Council on January 12, 2010 to amend the Grants Fund Budget by appropriating \$300,000.00 to PEP, Oporto Madrid (Phase 3) for states grants received. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)**

CONSENT

ITEM 7.

An Ordinance to amend Ordinance 10-20 adopted by the Council February 16, 2010 to amend the Debt Service Fund by transferring \$1,500.00 from Non Departmental, Fees-2002-B Capital Improvement & Refunding Bonds and appropriating \$1,500.00 to Non Departmental, Fees-2002-A Refunding Bonds, said additional funds needed to cover expenses. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Acting Director of Finance)**

CONSENT

ITEM 8.

An Ordinance “TO FURTHER AMEND THE GENERAL BUDGET” by transferring \$500.00 from Non Departmental Council Discretionary, District #2 and appropriate \$500.00 to Parks and Recreation for Robert Hawkins Park. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Acting Director of Finance)**

CONSENT

ITEM 9.

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$30,000.00 from Sinkhole Repair and appropriating \$30,000.00 to Ruffner Mountain Nature Center Entrance due to unforeseen circumstances. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Acting Director of Finance)**

CONSENT

ITEM 10.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by transferring \$62,259.00 from Non Departmental, BBRC Administration and Contract Employees and appropriate \$62,259.00 to Non Departmental – Professional Fees Legislative Expense. (Submitted by the Mayor) (Recommended by the Acting Director of Finance)**

CONSENT

ITEM 11.

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$1,500.00 to the Fire Department, Instruction and Training for reimbursement received from the cities of Graysville and Adamsville. Funding Source is Miscellaneous Expense - Expense Reimbursement. (Submitted by the Mayor and the Budget and Finance Committee) (Recommended by the Director of Finance)**

ITEM 12.

A Resolution authorizing the Mayor to enter into an Agreement with Safe Routes to School Projects with the **State of Alabama** and to execute any and all other documents and to take any and all actions to effectuate the direction of this Resolution and authorizing the Director of Finance to expend up to a maximum amount not to exceed \$49, 943.00 subject to the approval of the State Alabama and for the purpose of making infrastructure improvements in accordance with the Safe Routes to Schools Project. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 13.

A Resolution authorizing the Mayor to enter into an agreement whereby **Apex Commercial Property, LLC** is allowed to enter upon City right of way to install and maintain an awning to be located within the right of way of 22nd Street North attached to the building at 2201 Morris Avenue, Birmingham. (Submitted by the Mayor) (Recommended by the Director Planning, Engineering and Permits and the Public Improvements Committee)

ITEM 14.

A Resolution authorizing the Mayor to execute an Amended and Restated Contract for Professional Services with **Handprint Bell Consulting, LLC**, under which Handprint Bell will provide federal government lobbying and other government relations services for the benefit of the City of Birmingham for a professional services fee in an amount not to exceed \$150,000.00 during such initial term ending June 30, 2010, with such Contract to be renewable by mutual agreement of the parties for up to two additional terms of one year each, subject to the appropriation of funding for the Contract in the City’s budget for the fiscal year corresponding to the one-year renewal term, for an annual professional services fee in the amount of \$300,000.00 which will be payable through a monthly retainer of \$25,000.00 per month. (Submitted by the Acting Chief Assistant City Attorney) (Recommended by the Mayor)

ITEM 15.

A Resolution approving the plans prepared by **the Alabama Department of Transportation**, designated as Project No. STPAA-0003 (557) Guardrail, Guardrail End Anchors, Planing, Loop Detectors, Resurfacing and Permanent Traffic Stripe along SR-3 (US-31) from 52nd Avenue to 0.4 Mile North of Black Creek and granting full use and access to the dedicated widths of any existing streets for the construction of said project and agreeing to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the project is being graded, drained, paved and otherwise improved. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)**

ITEM 16.

A Resolution appointing one (1) member to **Jefferson County Department of Human Resources Board of Birmingham** for a six (6) year term, expiring September 17, 2015. (Submitted by Council Roderick Royal, Chairperson, Education Committee) (Recommended by Education Committee)

CONSENT

ITEM 17.

A Resolution determining that the **Winnie Mandela Public Lecture and Luncheon** that is being held at the University of Alabama Birmingham in the Alys Stephens Center on Monday, March 8, 2010, serves a public purpose that promotes goodwill and serves a public interest. (Submitted by Council President Royal) (Recommended by the Committee of the Whole)**

CONSENT

ITEM 18.

A Resolution appointing the **NAACP Birmingham Chapter** as fiscal agent for the Winnie Mandela Lecture and Luncheon that is being held March 8, 2010, at the Alys Stephens Center. The fee for these services will not exceed \$5,000.00 [GL Account 001_010_04200.527-014] (Submitted by Council President Royal) (Recommended by the Education Committee)**

CONSENT

ITEM 19.

A Resolution determining that the **2010 United Negro College Fund Masked Gala** that is being held Saturday March 6, 2010, at the Downtown Sheraton Ballroom serves a public purpose that promotes goodwill and serves a public interest. (Submitted by Council President Royal) (Recommended by the Education Committee)**

CONSENT

ITEM 20.

A Resolution determining that the building or structure located at 616 Avenue X, 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 21.

A Resolution determining that the building or structure located at 2900 12th Avenue North (Duplex), 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 22.

A Resolution determining that the building or structure located at 2523 – 2525 Avenue C, Ensley (Duplex), 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 23.

A Resolution determining that the building or structure located at 2527 – 2529 Avenue C, Ensley (Duplex), 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)

ITEM 24.

A Resolution determining that the building or structure located at 302 26th Street, Ensley, 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 25.

A Resolution accepting the lump sum bid of **Cole Equipment, Inc.**, Pelham, Alabama, in the amount of \$28,780.00, for the replacement and upgrade of fire notifier at the City Jail, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY 2010 Budget; 052_043.511-022**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (One Bid Submitted)

CONSENT

ITEM 26.

A Resolution accepting and approving the bid of **Alabama Mower Service**, Warrior, Alabama, for the purchase of Scag mower repair parts at the 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; G/L Account 001_049_40100_40101.40102.518.001**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Two Bids Submitted)

CONSENT

ITEM 27.

A Resolution accepting and approving the bid of **Leslie's Poolmart, Inc**, Phoenix, Arizona, for the purchase of pool chemicals at the 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; G/L Account 001_049_40200_40229.519-002**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Two Bids Submitted)

ITEM 28.

A Resolution authorizing the Acting Director of Finance to pay **Flora E. Ephriam** \$150.00 for temporary construction easement to Parcel No. 21, Five Mile Road Phase I Street Improvement Project, located at 1181 Five Mile Road, Birmingham. [**PEP129CP002836**]. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 29.

A Resolution authorizing the Director of Finance to make three (3) refunds in the total amount of \$14,557.04. (Submitted by the Mayor) (Recommended by the Director of Finance)**

ITEM 30.

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

R. Scott Colson, Assistant to the Mayor, Office of the Mayor, \$1,324.00, March 18 – 22, 2010, to attend Sister Cities International Board Meeting (Youth Games Meeting) in Washington, District of Columbia

ITEM 31.

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

Kellie Clarke, Executive Assistant to Mayor, Mayor’s Office, \$2,387.36, March 12-18, 2010, to attend National League of Cities in Washington, District of Columbia.

Erskine Faush, Chief of Staff, Mayor’s Office, \$2,004.00, March 14-18, 2010, to attend National League of Cities in Washington, District of Columbia.

Maxine Herring Parker, Councilor, City Council, \$900.40, March 14-18, 2010, to attend National League of Cities in Washington, District of Columbia.

Steven Hoyt, Councilor, City Council, \$489.03, March 16-17, 2010, to attend National League of Cities in Washington, District of Columbia.

Jarvis Patton, Chief of Operations, Mayor’s Office, \$1,629.51, March 13-15, 2010, to attend National League of Cities in Washington, District of Columbia.

Katherine Rice, Administrative Assistant to the Mayor, Mayor’s Office, \$1,585.50, March 12-15, 2010, to attend National League of Cities in Washington, District of Columbia.

Kimberly Weldon, Administrative Assistant to Mayor, Mayor’s Office, \$1,585.50, March 14-18, 2010, to attend National League of Cities in Washington, District of Columbia.

CONSENT

ITEM 32.

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

CONSENT

ITEM 33.

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

OLD AND NEW BUSINESS

PRESENTATIONS

REQUESTS FROM THE PUBLIC

ADJOURNMENT

NOTE: The following matters were withdrawn:

A resolution revoking the certificate of Public Necessity and Convenience to operate a limousine service issued to James C. Blutcher a/b/a J. B. passenger Service 3112 Avenue F, Birmingham, Alabama.