

## **AGENDA**

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

**February 3, 2009 - - 9:30 A.M.**

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

**INVOCATION: Reverend Reginald Jones, Pastor of Greater Emmanuel Community Church, Inc.**

**PLEDGE OF ALLEGIANCE: Council President Carole Smitherman**

**ROLL CALL**

**MINUTES NOT READY: November 12, 2008 – January 27, 2009**

**COMMUNICATIONS FROM THE MAYOR**

**ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – March, 2009**

**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. **ZAC2008-00158**) to change zone district boundaries from R-3 Single Family District to R-4 Two-Family and Semi-Attached Dwelling District, filed by Reuben McClain, applicant and owner, for property located at 1605 Fred L. Shuttlesworth Drive, and situated in the SE¼ of Section 23, Township 17 South, Range 3 West, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (NOT Recommended by the Z.A.C. and the Planning and Zoning Committee)\*\*

ph)

### ITEM 2.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (Case No. **ZAC2008-00159**) to change zone district boundaries from R-4 Two-Family and Semi-Attached Dwelling District to R-4A Medium Density District, filed by William Blackstock Architects, representing the owner, Alethia House, for properties located at 1608 – 25<sup>th</sup> Avenue North, 1700 – 25<sup>th</sup> Avenue North, and 2500 – 17<sup>th</sup> Street North, and situated in the SW¼ of Section 23, Township 17 South, Range 3 West, and the **hearing** of all interested parties. (Submitted by Councillor Abbott, Chairperson, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee)\*\*

CONSENT(ph)

### ITEM 3.

A Resolution granting five (5) Certificates of Public Necessity and Convenience to **New Generation Charters, Inc.**, Bessemer, Alabama, to operate a charter bus service upon the streets of Birmingham, and the **hearing** of all interested parties. (Submitted by the City Attorney) (Recommended by the Transportation and Communication Committee)

CONSENT(ph)

### ITEM 4.

A Resolution revoking the Certificates of Public Necessity and Convenience issued to Promus Hotel, Inc., d/b/a **Embassy Suites Hotel**, 2300 Woodcrest Drive, Birmingham, to operate a limousine service, for failure to file the required liability insurance, and the **hearing** of all interested parties. (Submitted by the City Attorney)

(ph)

**ITEM 5.**

A Resolution assenting to the vacation of 12,014.59 square feet of 17<sup>th</sup> Street North between 25<sup>th</sup> Avenue North and 25<sup>th</sup> Court North, and the vacation of 14,176.29 square feet of 25<sup>th</sup> Avenue North between 16<sup>th</sup> Street North and 18<sup>th</sup> Street North, on behalf of **Aletheia House, Inc.**, owner, in order to construct a new residential apartment complex, three (3) units per building, and the **hearing** of all interested parties, **Case No. SUB2008-00108**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by Subdivision Committee of the Birmingham Planning Commission and the Public Improvements Committee)\*\*

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

P

**ITEM 6.**

An Ordinance amending Title 12, “Taxicabs and Vehicles for Hire,” by amending Section 12-16-1, “Definitions, Types of Vehicles; Types of Service,” and Section 12-16-72, “Rates,” of the General Code of the City of Birmingham to create a new category of public transportation service to be known as Limousine Luxury Bus Service, the vehicles allowed to provide such a service and the charges allowed for such a service. (Submitted by the City Attorney) (Recommended by the Transportation and Communication Committee)\*\*

**CONSENT**

**ITEM 7.**

An Ordinance authorizing the Mayor to enter into an easement agreement whereby **Alabama Power Company** is allowed to enter upon City property leased to The Downtown Jimmie Hale Mission located at 3420 -2<sup>nd</sup> Avenue North, Birmingham, to install, operate and maintain certain electrical facilities providing electrical service and removal of existing power pole to the new administrative building for The Downtown Jimmie Hale Mission. (Submitted by the Mayor)(Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)\*\*

CONSENT

**ITEM 8.**

An Ordinance authorizing the Mayor to execute a warranty deed conveying to the **State of Alabama**, for no monetary consideration, certain property located along the west side of Arkadelphia Road between 11<sup>th</sup> Court West and 14<sup>th</sup> Avenue West, to be used for street right of way purposes in connection with the State's Arkadelphia Road Project No. NHF-0005(512), and authorizing the Mayor to execute a waiver releasing the State from the requirement to provide an appraisal of said property. (Submitted by the Mayor)(Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)\*\*

CONSENT

**ITEM 9.**

An Ordinance authorizing the Mayor to execute a quitclaim deed conveying to the **State of Alabama**, for no monetary consideration, certain property located along the east side of Arkadelphia Road between 14<sup>th</sup> Avenue West and Village Creek, to be used for street right of way purposes in connection with the State's Arkadelphia Road Project No. NHF-0005(512), and authorizing the Mayor to execute a waiver releasing the State from the requirement to provide an appraisal of said property. (Submitted by the Mayor)(Recommended by the Director of Planning, Engineering and Permits and the Public Improvement Committee)\*\*

CONSENT(ph)

**ITEM 10.**

An Ordinance authorizing the Mayor to execute a quitclaim and redemption deed to the **Housing Authority of the Birmingham District**, in the amount of \$2,877.30, for the property located at 1913 – 14<sup>th</sup> Way S.W., Birmingham. (Submitted by the City Attorney) (Recommended by the Director of Finance)\*\*

CONSENT(ph)

**ITEM 11.**

An Ordinance authorizing the Mayor to execute a quitclaim and redemption deed to the **Donald White**, in the amount of \$1,909.11, for the property located at 401 Avenue D, Birmingham. (Submitted by the City Attorney) (Recommended by the Director of Finance)\*\*

CONSENT

**ITEM 12.**

A Resolution authorizing the Mayor to amend an agreement with **Greater Birmingham Habitat for Humanity** under which the City will provide \$944,490.24 at zero percent (0%) interest to be utilized for land acquisition and construction financing of single-family units on scatter sites throughout the City, with such loan to be secured by a construction mortgage on the single-family units. (Submitted by the Mayor) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)

CONSENT

**ITEM 13.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Princeton Baptist Medical Center** is allowed to enter upon City right of way to install and maintain seven (7) directional signs located with the right of way at various locations in the West End area. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

**ITEM 14.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Sloss Industries Corporation** is allowed to enter upon City right of way to install and maintain one (1) ground water monitoring well located with the right of way of 35<sup>th</sup> Avenue North near 35<sup>th</sup> Place, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

CONSENT

**ITEM 15.**

A Resolution authorizing the Mayor to enter into a Memorandum of Understanding whereby **Urban Impact, Inc.** is allowed to enter upon City right of way to install and maintain fourteen (14) light pole mounted flags to be located at various locations in the Historic 4<sup>th</sup> Avenue Business District. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits and the Public Improvements Committee)

**CONSENT****ITEM 16.**

A Resolution authorizing the Mayor to amend the **YWCA of Central Alabama's** current agreement under which the City has agreed to advance up to \$320,000.00 of Community Development Block Grant Assistance, by providing an additional \$25,000.00 from the City's current Federally funded Lead Hazard Control Grant bringing the total amount provided to \$345,000.00. (Submitted by the Mayor) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)\*\*

**ITEM 17.**

A Resolution approving the agreements with **Academy of Fine Arts, Inc.**, Birmingham, in an amount not to exceed \$12,700.00, to provide artistic programs for youth and adults, including exhibitions, workshops, a drama camp and varied performances throughout the City, and authorizing the Mayor to execute the agreements. [**Appropriated in the FY2009 Budget; GL Accounts:** 031\_200\_12090\_12092\_15198.540-001; 031\_200\_12090\_12094\_15198.540-001; 031\_200\_12090\_12091\_15199.540-001; 031\_200\_12220\_12222\_15199.540-001; and \_200\_12180\_12182\_15199.540-001; 031\_200\_12220\_12223\_15199.540-001) (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Community Development)

**CONSENT****ITEM 18.**

A Resolution approving the amended appointment of **The Arbitrage Group, Inc.**, Houston, Texas, to provide professional services related to determining the rebate amount for bonds and warrants in the additional amount of \$11,500.00 which increases the amount to be paid to the contractor to \$67,750.00, and authorizing the Mayor to execute the amendment. [**Appropriated in the FY2009 Budget; GL Account: 001\_019\_00001.527-014**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Finance)

**CONSENT****ITEM 19.**

A Resolution accepting the unit price bid of **C.E. Huffstutler, LLC**, Blountsville, Alabama, in the amount of \$232,263.00, for street improvements at Florida Avenue, this being the lowest bid submitted meeting specifications, and authorizing the Mayor to execute the contract in accordance with said bid. [**Appropriated in the FY2008 Budget; PEP129CP003490**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Nine Bids Submitted)

**CONSENT**

**ITEM 20.**

A Resolution accepting and approving the bid of **Trane Company**, Birmingham, for the purchase of HVAC package units 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. [**G/L Account: 001\_049\_40200\_40201.511-009 – R&M – Buildings, HVAC**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Acting Director of Public Works) (Two Bids Submitted)

**CONSENT**

**ITEM 21.**

A Resolution accepting and approving the bid of **Wittichen Supply Company**, Birmingham, for the purchase of HVAC package units 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 FY2009 Budget; G/L Account: 001\_049\_40200\_40201.511-009 – R&M – Buildings, HVAC**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Acting Director of Public Works) (Two Bids Submitted)

**ITEM 22.**

A Resolution approving payment to **Birmingham Jefferson County Animal Control**, Birmingham, in the amount of \$63,389.02 per month to extend the current animal control services contract on a month to month basis until such time that a new contract can be awarded. [**Appropriated in the FY 2009 Budget; GL Account: 001\_031\_03700.534-040**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

**ITEM 23.**

A Resolution approving payment to **No Fault Sport Group, LLC**, Baton Rouge, Louisiana, in the amount of \$29,226.00, for the purchase and installation of soft landing surface for all playground equipment at Rozelle Reynolds Park. [**Appropriated in the FY 2009 Budget; \$27,226.00 - GL Accounts 031\_202\_12020\_12026\_15198.540-001 and 031\_202\_12020\_12026\_15199.540-001; \$2,000.00 – GL Account 205\_04270.542-001**] (Submitted by the Mayor) (Recommended by the Director of Park and Recreation)

**CONSENT**

**ITEM 24.**

A Resolution authorizing the Director of Finance to make one (1) refund in the amount of \$1,936.00. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**ITEM 25.**

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

Valerie Abbott, Councilor, City Council Office, Washington, D.C., \$465.00, March 14 – 19, 2009, to attend National League of Cities Conference.

Iris Kimbrough, Committee Assistant, City Council, Montgomery, AL, \$177.12, February 3 – 4, 2009, to attend Chamber of Commerce’s Legislative Luncheon & meet with legislators.

Chaz Mitchell, Accountant, City Council Office, Washington, D.C., \$545.00, March 14 – 19, 2009, to attend National League of Cities Conference.

Roderick Royal, Councilor, City Council Office, Washington, D.C., \$430.00, March 13 – 18, 2009, to attend National League of Cities Conference.

**ITEM 26.**

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 matter was withdrawn:**

A Resolution revoking the Certificates of Public Necessity and Convenience to operate a limousine service issued to Magic City Limousine, 825 Apartment B Oakleaf Circle, Birmingham, AL 35209