

## **AGENDA**

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

**January 2, 2008 - - 9:30 A.M.**

**WEB SITE ADDRESS: [www.informationbirmingham.com](http://www.informationbirmingham.com)**

**INVOCATION: Reverend Clarence Kelby Heath, Pastor of Thirgood Memorial C.M.E.  
Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF MINUTES FROM A PREVIOUS MEETING: October 23 and 30, 2007**

**MINUTES NOT READY: November 6, 13, 20, 27, December 4, 11, 18 and 25, 2007**

**COMMUNICATIONS FROM THE MAYOR**

**ANNOUNCEMENT OF BOARDS AND AGENCIES EXPIRATIONS – February, 2008**

**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 Amjad Sultan for an Off Premise Beer and Wine License to be used at **Airport Shell #2**, 5017 Richard Arrington Jr. Boulevard North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT**(ph)

**ITEM 2.**

A Resolution relative to the application of Circle K Stores, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Circle K Stores, Inc.**, 3101 Shannon Oxmoor Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT**(ph)

**ITEM 3.**

A Resolution relative to the application of Yaaghausia, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Food Mart Gasboy**, 9917 Parkway East, Suite A, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT**(ph)

**ITEM 4.**

A Resolution relative to the application of The Pantry, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Kangaroo Express #3801**, 401 Palisades Boulevard, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT**(ph)

**ITEM 5.**

A Resolution relative to the application of The Pantry, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Kangaroo Express #3804**, 301 Robert Jemison Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 6.**

A Resolution relative to the application of The Pantry, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Kangaroo Express #3810**, 1503 – 11<sup>th</sup> Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 7.**

A Resolution relative to the application of The Pantry, Inc. for the transfer of an Off Premise Beer and Wine License to be used at **Kangaroo Express #3828**, 9401 Parkway East, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 8.**

A Resolution relative to the application of YM LLC, d/b/a M1 Food Mart for the transfer of an Off Premise Beer and Wine License to be used at **M1 Food Mart**, 2216 – 24<sup>th</sup> Street North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 9.**

A Resolution relative to the application of Billie Jo Clements Davey for the transfer of a Lounge Retail Liquor Class I License to be used at **Dan's Tavern**, 1584 Bessemer Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 10.**

A Resolution relative to the application of Billie Jo Clements Davey for a Division I Dance Permit to be used at **Dan's Tavern**, 1584 Bessemer Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**CONSENT(ph) ITEM 11.**

A Resolution relative to the application of High Note Lounge, Inc. for the transfer of a Lounge Retail Liquor Class I License to be used at **High Note Lounge**, 414 Richard Arrington Jr. Boulevard South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

**ITEM 12.**

A Resolution relative to the application of KG Company LLC for the transfer of a Restaurant Retail Liquor License to be used at **Café De France**, 2612 Lane Park Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

**ITEM 13.**

A Resolution relative to the application of Angel Plata Becerril for an On and Off Premise Beer License to be used at **El Noa Noa**, 5005 Richard Arrington Jr. Boulevard North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

**ITEM 14.**

A Resolution relative to the application of Freida Lee Bland for an On and Off Premise Beer and Wine License to be used at **Thunder Inn**, 1049 Gadsden Highway, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

**ITEM 15.**

A Resolution relative to the application of C&G's Place, Inc. for a Lounge Retail Liquor Class I License to be used at **C&G's Place**, 2115 – 7<sup>th</sup> Avenue South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

**ITEM 16.**

A Resolution relative to the application of Michael Alaneme for a Lounge Retail Liquor Class II License to be used at **Choice Package Store**, 831-B – 20<sup>th</sup> Street Ensley, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

CONSENT(ph)

**ITEM 17.**

A Resolution relative to the application of James K. Osborn for a Lounge Retail Liquor Class II License to be used at **280 Package Store II**, 503C Cahaba Park Circle, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)

**ITEM 18.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$1,500.00 of Fund 46 Highway Improvement Fund from PIC – Streets to 1201 – 16<sup>th</sup> Street SW for street improvements. (Submitted by the Mayor and the Public Improvements Committee) (Recommended by the Director of Finance) (Deferred from 12/11/07 to 1/2/08)\*\*

**ITEM 19.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$14,500,000.00 to Fund 01 General Fund – Revenue – Sales Tax, \$3,500,000.00 to Use Tax, \$2,500,000.00 to Non-Departmental – Economic and Community Revitalization – Police and Fire Protection, \$5,000,000.00 to Economic Development, \$7,500,000.00 to Streets and Sidewalk Improvements, and \$3,000,000.00 to Visions Scholarship Program as part of the Birmingham Economic and Community Development Revitalization Plan. (Submitted by the Mayor) (Recommended by the Director of Finance) (Deferred from 12/18/07 to 1/2/08)\*\*

**ITEM 20.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$28,000,000.00 to Fund 01 General Fund – Revenue – Business License, \$9,000,000.00 to Non-Departmental – Economic and Community Revitalization – Transit System and \$19,000,000.00 to Dome Stadium as part of the Birmingham Economic and Community Development Revitalization Plan. (Submitted by the Mayor) (Recommended by the Director of Finance) (Deferred from 12/18/07 to 1/2/08)\*\*

**ITEM 21.**

A Resolution approving the contract with **Tech Providers, Inc.**, Birmingham, in an amount not to exceed \$1,300,000.00, to provide those programming and technical support services relating to the FSLA lawsuit requirements for the initial twelve (12) month term, and authorizing the Mayor to execute the contract. [**Appropriated in the FY2008 Budget**] (Submitted and Recommended by the Mayor) (Deferred from 12/18/07 to 1/2/08)

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

CONSENT

**ITEM 22.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” by appropriating \$30,000.00 to Fund 01 General Fund – Revenue – Interest Earnings and \$30,000.00 to Non-Departmental – Birmingham Volunteer Lawyers Program, Inc. which will allow the agency to hire additional staff. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

CONSENT

**ITEM 23.**

An Ordinance authorizing the Mayor to enter into a Right-of-Way Use Agreement with **Birmingham Data Link, LLC**, authorizing Birmingham Data Link, LLC to install fiber optic cable in the City rights-of-way, but such fiber optic cable cannot be used to provide local services within the City, at the rate of \$2.00 - \$3.00 per linear foot for approximately 5,125 feet of underground cable and above-ground at the rate of \$10.00 per pole attachment for approximately 318 poles per year, for a period of five (5) years and up to four (4) consecutive five (5) year terms. (Submitted by the City Attorney) (Recommended by the Administration, Budget and Finance Committee)\*\*

CONSENT

**ITEM 24.**

An Ordinance authorizing the Mayor to execute a conveyance to **Jefferson County** for a pedestrian walkway and nature trail easement over and upon property at Roosevelt City Park, 2500 Warner Street for the Jefferson County Valley Creek Walking Trail Project. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)\*\*

CONSENT

**ITEM 25.**

An Ordinance authorizing the Mayor to execute a conveyance to **Jefferson County** for a pedestrian walkway and nature trail easement over and upon City property located at 5701 Wintergreen Avenue for the Jefferson County Valley Creek Walking Trail Project. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)\*\*

CONSENT

**ITEM 26.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **Buck Deal** is allowed to enter upon City right of way to install and maintain concrete steps to be located within the right of way at 4428 – 8<sup>th</sup> Avenue South, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

**ITEM 27.**

A Resolution authorizing the Mayor to accept the donation and cause to be recorded a deed from **Ruffner Mountain Nature Coalition, Inc.** of real estate consisting of two (2) lots located at 1007 – 80<sup>th</sup> Street South, Birmingham on which the Ruffner Mountain visitor's center has been located. (Submitted by the City Attorney) (Recommended by the Park, Recreation and Cultural Arts Committee)\*\*

CONSENT

**ITEM 28.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **the University of Alabama at Birmingham** is allowed to enter upon City right of way to install and maintain an underground communications conduit to be located within the right of way at 7<sup>th</sup> Avenue South between 16<sup>th</sup> Street and 18<sup>th</sup> Street, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

**ITEM 29.**

A Resolution authorizing the Mayor to enter into a Right of Way Encroachment License Agreement whereby **the University of Alabama at Birmingham** is allowed to enter upon City right of way to install and maintain an underground communications conduit to be located within the right of way at 6<sup>th</sup> Avenue and 18<sup>th</sup> Street South, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

**ITEM 30.**

A Resolution approving the agreement with **The Oakmont Center**, Birmingham, in the amount of \$43,000.00, for a period of one (1) year beginning January 1, 2008 to December 31, 2008, renewable annually subject to funds availability, to provide outpatient alcohol/drug abuse counseling/treatment services for citizens of the City who seek drug/alcohol abuse treatment, alcohol/drug abuse prevention/education for children, teenagers, adults and generally a large and diverse number of high risk individuals to enhance community and public awareness of the problem of alcohol/drug abuse, and Anger Management treatment/counseling to individuals seeking information on how to express anger in a direct and healthy manner, and authorizing the Mayor to execute the agreement. **[Appropriated in the FY2008 Budget; Condense Code 001; Object Code 4652]** (Submitted by the Mayor) (Recommended by the Purchasing Agent)

**ITEM 31.**

A Resolution deannexing a 2.04 acres, more or less, tract of land, located at 3042 Grants Mill Road, Birmingham, at the request of Vicki Jasperson Carlin, owner, pursuant to the provisions of Article 7, Chapter 42, Title 11, Code of Alabama 1975. (Submitted by the City Attorney) (Recommended by the Mayor and the Director of Planning, Engineering and Permits) (No Recommendation by the Administration, Budget and Finance Committee)\*\*

**ITEM 32.**

A Resolution appointing one (1) member to **the Construction Board of Adjustment and Appeals** as a structural engineer for a term expiring June 22, 2011. (Submitted by Councillor Witherspoon, Chairperson, Public Improvement and Beautification Committee) (Recommended by the Public Improvement Committee)

**CONSENT****ITEM 33.**

A Resolution accepting the lump sum bid of **S & W Demolition**, 1539 Bay Avenue S.W., Birmingham, in the amount of \$13,500.00, for the demolition of properties located at 1607 – 11<sup>th</sup> Avenue North, 1424-26 - 10<sup>th</sup> Court North and 1430 – 10<sup>th</sup> Court North, Birmingham, 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 2007 Budget; Housing 2007-A G. O. Bond Fund DJ-02831**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Five Bids Submitted)

**CONSENT****ITEM 34.**

A Resolution accepting the lump sum bid of **Tomlin Excavating Company, Inc.**, Tarrant, Alabama, in the amount of \$18,950.00, for the demolition and removal of hazardous material at the former Avonwood Cleaners, 4605 – 5<sup>th</sup> Avenue South, Birmingham, 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 2008 Budget; BWWB-Proceeds – Escrow School CS-03568**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Three Bids Submitted)

**CONSENT****ITEM 35.**

A Resolution accepting and approving the bid of **Gulf States Distributors**, Montgomery, Alabama, for the purchase of taser batteries with four (4) year extended warranty as needed at the unit price on file in the Office of the Purchasing Agent, this being the lowest bid submitted. [**Appropriated in the FY 2008 Budget; Condense Code PAA; Object Code 1213; Project Code 00169**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Chief of Police) (Two Bids Submitted)

**CONSENT****ITEM 36.**

A Resolution accepting and approving the bid of **Yale Carolinas**, Birmingham, for the purchase of 3500 lb. capacity pneumatic tire forklifts as needed at the unit price on file in the Office of the Purchasing Agent for a period of one (1) year and month to month thereafter for the City Stores Warehouse, this being the lowest bid submitted meeting specifications. [**Appropriated in the FY 2008 Budget; Condense Codes DFQ and DBG; Object Code 3409; Project Code 87199**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (Three Bids Submitted)\*\*

**CONSENT****ITEM 37.**

A Resolution approving payment to **NAFECO**, Decatur, Alabama, for Survivair self contained breathing apparatus air cylinders and accessory items as needed at unit prices in effect at the time of purchase, for a period of one (1) year and month to month thereafter for the Fire Department, this being the only source of supply. [**Appropriated in the FY2008 Budget; Condense Code DBH; Object Code 3409**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Fire Chief)

**CONSENT****ITEM 38.**

A Resolution approving payment to **Principle Decision Systems International**, Irvine, California, in an amount not to exceed \$84,000.00 for the term of January 1, 2008 – December 31, 2008, renewable annually subject to the availability of funds, for maintenance, service and upgrades for Tele Staff Software for the Information Management Services Department, this being the only source of supply. [**Appropriated in the FY 2008 Budget; Condense Code DNC; Object Code 1216**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Information Management Services)

**ITEM 39.**

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

Roderick Royal, Councilor, City Council, New Orleans, Louisiana, \$1,563.67, November 14-18, 2007, to attend the National League of Cities Conference.

**ITEM 40.**

A Resolution approving the itemized expense accounts of city employees dated December 26, 2007. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**ITEM 41.**

A Resolution approving the itemized expense accounts of city employees dated January 2, 2008. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**CONSENT**

**ITEM 42.**

A Resolution ordering the installation of a fire hydrant at the northernmost end of the public right of way of Stoneview Road, approximately 650 feet north of North UMBERLAND Drive, St. Martins in the Pines, Birmingham. (Submitted by the Mayor) (Recommended by the Fire Chief)

**CONSENT**

**ITEM 43.**

A Resolution ordering the installation of a fire hydrant at 33<sup>rd</sup> Terrace and 31<sup>st</sup> Street North, Birmingham, Hudson School Project. (Submitted by the Mayor) (Recommended by the Fire Chief)

**OLD AND NEW BUSINESS**

**REQUESTS FROM THE PUBLIC**

**PRESENTATIONS**

**ADJOURNMENT**

**\*\* - Attachments**

**P – Items of Permanent Operation  
(ph) – Public Hearing**