

**AGENDA**

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

**March 25, 2008 - - 9:30 A.M.**

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

**INVOCATION: Reverend Andra D. Sparks, Pastor of Forty-Fifth Street Baptist Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**MINUTES NOT READY: February 19, 26, March 4, 11 and 18, 2008**

**COMMUNICATIONS FROM THE MAYOR**

**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 THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2008-00003**) to change zone district boundaries from R-4A Medium Density Residential District to B-1 Neighborhood Business District, filed by Martin Belcher, applicant, representing the owner, 1725 Associates, LLC, for property located at 1725 – 14<sup>th</sup> Avenue South, and situated in the SE¼ of Section 1, Township 18 South, Range 3 West, Birmingham, and the **hearing** of all interested parties. (Submitted by the Mayor) (Recommended “Q”B-1 by the Z.A.C.) (NOT Recommended by the Planning and Zoning Committee)\*\*

**(ph)**

**ITEM 2.**

An Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” amending Title 3: Miscellaneous, Article VIII: Zoning Board of Adjustment, Section 5, “Powers and Duties, Subsection 4, Item “q”, of the Zoning Ordinance of the City of Birmingham, Ordinance No. 90-130 as amended, filed by Leroy Ezell in order to permit Communal Living Facilities in the R-4A Medium Density Residential District, City Wide, **Case No. ZAC2008-00011**, and the **hearing** of all interested parties. (Submitted by the City Attorney) (Recommended by the Z.A.C.) (NOT Recommended by the Planning and Zoning Committee)\*\*

**(ph)**

**ITEM 3.**

A Resolution relative to the application of Giau Le for an Off Premise Beer and Wine License to be used at **Eastlake Supertter Texaco**, 421 Oporto Madrid Boulevard North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councillor Montgomery, Chairman, Public Safety Committee) (Recommended by the Public Safety Committee)  
(Deferred from 1/22/08 to 3/25/08)

**CONSENT(ph)**

**ITEM 4.**

A Resolution revoking the Certificates of Public Necessity and Convenience issued to Varavuti W. Saebaissakul, d/b/a **The Birmingham Cab**, Pelham, Alabama, to operate a taxicab service, for failure to file the required liability insurance, and the **hearing** of all interested parties. (Submitted by the City Attorney)

**ITEM 5.**

An Ordinance creating the City of Birmingham Economic Development Stimulus Loan Program. (Submitted by the City Attorney) (Recommended by the Mayor) (Deferred from 2/12/08 to 3/11/08; and Deferred from 3/11/08 to 3/25/08)\*\*

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

**ITEM 6.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by appropriating \$988,469.00 to Infrastructure Grant from various closed projects to provide sanitary, street, sidewalk, curb and related improvements for residential subdivision. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

**ITEM 7.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by appropriating \$100,000.00 to Fund 93 UDAG Repayment Fund to Balch, and Bingham, LLP, \$100,000.00 to Miller, Hamilton, Snider and Odom, LLC, \$100,000.00 to Smiley Law, LLC, and \$100,000.00 to Deborah Byrd Walker to assist the Community Development Department with the CDBG Programs. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

**ITEM 8.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$2,166.67 of Fund BH 1998-B General Obligation Warrant from PIC-Storm Sewers and \$7,833.33 of Fund 52 G.O. Warrant Construction 1994-A from PIC Committee and appropriating \$10,000.00 to Toronto Circle Drainage Improvement PTK No. 142517. (Submitted by the Mayor and the Public Improvements Committee) (Recommended by the Director of Finance)\*\*

**ITEM 9.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by appropriating \$900,000.00 to Fund 93 UDAG Repayment Fund – Habitat Projects. (Submitted by the Mayor and the Administration, Budget and Finance Committee) (Recommended by the Director of Finance)\*\*

**ITEM 10.**

An Ordinance “TO FURTHER AMEND THE CAPITAL FUND BUDGET” by transferring \$10,771.00 of Fund CD Corrections Fund from Municipal Court – Projects to be approved to Municipal Court – Parking Gate Replacement. (Submitted by the Mayor) (Recommended by the Director of Finance)\*\*

**ITEM 11.**

An Ordinance authorizing the Mayor to execute the necessary documents to effect the transfer of fifteen (15) sanitary sewer easements to **Jefferson County, Alabama** for the purpose of constructing a sanitary sewer. (Submitted by the City Attorney) (Recommended by the Mayor and the Director of Planning, Engineering and Permits)\*\*

**CONSENT**

**ITEM 12.**

A Resolution authorizing the Mayor to submit an application to **the Alabama Department of Economic and Community Affairs** on or before April 7, 2008, for up to \$200,000.00 in Emergency Shelter Grant Program funds. (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 execute a Development Agreement with **Business Realty Investment Company, Inc.** under which the City shall provide an amount not to exceed \$988,469.00 for new public streets, sidewalks, curbs, sanitary sewer, storm sewer and other related improvements, in connection with Business Realty Investment Company, Inc.’s development of Phase I of the Seven Springs subdivision, which will involve the construction of forty-seven (47) residences to be located on property situated south of the intersection of 24<sup>th</sup> Street S.W. and Jefferson Avenue, Birmingham. (Submitted by the City Attorney) (Recommended by the Mayor and the Administration, Budget and Finance Committee)\*\*

**CONSENT**

**ITEM 14.**

A Resolution authorizing the Mayor to execute a Project Agreement with **Brookwood Pharmaceuticals, Inc., Jefferson County and the State of Alabama** under which the City will provide funding in the amount of \$1,500,000.00 to Brookwood Pharmaceuticals, in connection with the retention and expansion of Brookwood Pharmaceutical’s business operations in the City. (Submitted by the City Attorney) (Recommended by the Mayor and the Administration, Budget and Finance Committee)\*\*

**ITEM 15.**

A Resolution authorizing the Mayor to enter into a Consent to Assignment Agreement whereby **CDG Engineers and Associates, Inc.** accepts the rights and obligations of Cobb Environmental Services, Inc. granted by a Right of Way Agreement with the City whereby Cobb Environmental Services was permitted to install and maintain five (5) monitoring wells in City right of way in the vicinity of the 200 block of 6<sup>th</sup> Avenue S.W. at Goldwire Street, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)

**ITEM 16.**

A Resolution authorizing the Mayor to enter into a Private Sanitary Sewer System Agreement with **the Jefferson County Commission** whereby the City will be allowed to own, operate and maintain the sanitary sewer system to serve Alabama Brick Delivery, Inc., 2201 – 24<sup>th</sup> Avenue North, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)\*\*

**ITEM 17.**

A Resolution authorizing the Mayor to enter into a Right of Way Agreement whereby **PRE, Inc.** is allowed to enter upon City right of way to install and maintain seven (7) monitoring wells to be located within the right of way at 213 Green Springs Avenue South, Birmingham. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)

**ITEM 18.**

A Resolution approving the appointment of **Balch and Bingham, LLP**, at \$250.00 per hour for partners, \$195.00 per hour for associates and \$125.00 per hour for paralegals; **Miller, Hamilton, Snider and Odom, LLC**, at \$230.00 per hour for partners, \$190.00 per hour for associates and \$75.00 per hour for paralegals; **Smiley Law, LLC**, at \$165.00 per hour for Melissa E. Smiley, \$75.00 per hour for associates and actual documented cost for reimbursable expenses; **and the Law Office of Deborah Byrd Walker, Attorney at Law**, at \$180.00 per hour for Deborah Byrd Walker, \$105.00 per hour for associate counsel, and actual documented cost for reimbursable expenses to provide legal services to the Community Development Department so as to assist in the overall administration of U. S. Department of Housing and Urban Development programs. **[Appropriated in the FY2008 Budget; Fund 93]** (Submitted by the Mayor) (Recommended by the Director of Community Development and the Administration, Budget and Finance Committee)

CONSENT**ITEM 19.**

A Resolution approving the appointment of **Bhate Geosciences Corporation**, Birmingham, in an amount not to exceed \$57,090.00, inclusive of any reimbursable expenses, to provide subsurface exploration, geotechnical engineering and field monitoring services for the Sinkhole Remediation – 1600 8<sup>th</sup> Avenue West Project, and authorizing the Mayor to execute the appointment letter. [**Appropriated in the FY 2008 Budget; Condense Code DFK; Object Code 2703; Project Code 03613**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Planning, Engineering and Permits)

CONSENT**ITEM 20.**

A Resolution accepting the proposal of **Tyler Technologies, Inc.**, Lubbock, Texas for a Municipal Court and Probation and Parole Office Case Management System in the amount of \$543,812.00 for hardware, software, professional services and other related implementation expenses and software maintenance/Internet Services not to exceed \$160,000.00 annually for the Municipal Court, this being the most advantageous proposal submitted, and authorizing the Mayor to execute the agreement. [**Appropriated in the FY2008 Budget; Object Code 2716; Condense Code CD2; Project Code 03122**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Municipal Court Presiding Judge) (Five Proposals Received)

**ITEM 21.**

A Resolution confirming the appointment of two (2) members to the **Birmingham Park and Recreation Board**, one (1) term expiring October 8, 2010 and one (1) term expiring October 8, 2011. (Submitted by Councillor Herring Parker, Chairperson, Parks, Recreation and Cultural Arts Committee) (Recommended by the Parks, Recreation and Cultural Arts Committee)

**ITEM 22.**

A Resolution accepting the lump sum bid of **Brasfield and Gorrie General Contractors**, 729 South 30<sup>th</sup> Street, Birmingham, in the amount of \$13,880,200.00, for renovations and expansions at Parking Deck No. 3, 401 – 20<sup>th</sup> Street 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, G. O. Warrant Fund CY-03424; G. O. Warrant Fund CY-03425**] (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (One Bid Submitted)

CONSENT

**ITEM 23.**

A Resolution accepting and approving the bid of **Fuller Five Enterprises, Inc.**, Cusseta, Alabama, for the rental of dump trucks, front end loaders, and bulldozers 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, this being the lowest bid submitted. [**Appropriated in the FY 2008 Budget**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (One Bid Submitted)

CONSENT

**ITEM 24.**

A Resolution accepting and approving the bid of **High Cotton**, Birmingham, for the purchase of mailing services for newsletters and postcards 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 City Council Office, this being the lowest bid submitted. [**Appropriated in the FY 2008 Budget**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the City Council Administrator) (Two Bids Submitted)

CONSENT

**ITEM 25.**

A Resolution accepting the dedication of all streets, alleys, and public grounds as shown on the plat or map of Resurvey Lot 149 First Addition to Roebuck Springs, **Case No. SUB2008-00015**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Public Improvements Committee)\*\*

CONSENT

**ITEM 26.**

A Resolution accepting the dedication of all streets, alleys, and public grounds as shown on the plat or map of Resurvey Lot 6 of River Ridge Plaza, **Case No. SUB2008-00030**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Public Improvements Committee)\*\*

CONSENT

**ITEM 27.**

A Resolution approving payment to **Birmingham Public Library**, in the amount of \$13,555.00 to purchase shelving and equipment for the Eastwood Library. [**Appropriated in the FY 2008 Budget; Object Code 3604; Condense Code DLA; Project Code 33897**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Community Development)

**ITEM 28.**

A Resolution setting a public hearing **May 1, 2008**, to consider the adoption of a resolution assenting to the vacation of 1,200 square feet of 52<sup>nd</sup> Street Ensley that runs parallel to 51<sup>st</sup> Street Ensley and 53<sup>rd</sup> Street Ensley and perpendicular to Avenue K and Avenue M, on behalf of **Sheila Grady and Marcella Smith**, owners, so the applicant can eliminate carport encroachments, **Case No. SUB2008-00006**. (Submitted by Councillor Witherspoon, Chairperson, Public Improvements Committee) (Recommended by the Public Improvements Committee)\*\*

**ITEM 29.**

A Resolution setting a public hearing **May 6, 2008**, to consider the adoption of a resolution approving the application of Think Pink, Inc. to renew its solid waste facility license for a construction and demolition landfill located at 2669 Coalburg Road, Birmingham, in accordance with Section 22-27-48, Code of Alabama, 1975 and Section 4-3-35 of the General Code of the City of Birmingham. (Submitted by the City Attorney) (Recommended by Councillor Witherspoon, Chairperson, Public Improvements Committee)\*\*

**OLD AND NEW BUSINESS**

**REQUESTS FROM THE PUBLIC**

**PRESENTATIONS**

**ADJOURNMENT**

**\*\* - Attachments**

**P – Items of Permanent Operation**

**(ph) – Public Hearing**