

**REGULAR MEETING OF THE COUNCIL
CITY OF BIRMINGHAM, ALABAMA
PRE-COUNCIL MEETING – 9:00 A.M.**

May 24, 2022 – 9:30 A.M.

WEBSITE ADDRESS: www.birminghamal.gov

INVOCATION:

PLEDGE OF ALLEGIANCE: Councilor LaTonya Tate

ROLL CALL

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS: January 25, 2022

MINUTES NOT READY: February 1 – May 17, 2022

COMMUNICATIONS FROM THE MAYOR

CONSIDERATION OF CONSENT AGENDA

All items designated as “Consent” are 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

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ITEM 1.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2022-00002**) to change zone district boundaries from MXD Planned Mixed Use District to “Q” I-1 Qualified Light Manufacturing District, filed by Whit Mitchell of Waypoint Investments, LLC, for property located at 801 Tom Martin Drive, and situated in the NE¼ of Section 33, Township 18-S, Range 3-West, Birmingham, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Councilor Abbott, Chair, Planning and Zoning Committee) (Recommended by the Birmingham Planning Commission) (No Recommendation by the Planning and Zoning Committee)**

ITEM 2.

A Resolution to approve the application of Infinity Waste & Recycling, LLC for a Solid Waste Facility License to pick up and transport waste within the City of Birmingham and to grant **Infinity Waste & Recycling, LLC’s** request for waiver, pursuant to Section 12-21-12, of the General City Code of the City of Birmingham, of inapplicable requirements, given that Infinity Waste & Recycling, LLC, does not have a location within the City where waste is treated or disposed. (Submitted by the City Attorney) (Recommended by the Mayor and the Chair of the Public Improvements and Beautification Committee)**

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

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ITEM 3.

An Ordinance authorizing the Mayor to execute a Redevelopment Agreement with **L. Williams & Associates, LLC**, in substantially the same form as on file in the Office of the City Clerk, under which the City will convey to L. Williams & Associates, property known as the “Cash Connection/Western Union Building” located at 2119 5th Avenue North, Birmingham for a use value of \$250,000.00, for use as a professional counseling and psychological rehabilitation facility under Section 24-2-6 of the Code of Alabama, 1975, which allows the City to make land in a redevelopment project available for use by private enterprises at its “use value” which represents the value at which the City determines such land should be made available in order that it may be redeveloped for the purposes specified. [**First Reading**] (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)**

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ITEM 4.

An Ordinance authorizing the Mayor, upon receipt of payment in the amount of \$3,099.71, to execute a quitclaim deed to **John Regal**, for the sale of property legally described as E 80 FT LOTS 12-13 BLK 28 BHAM RLTY COS ADD NO 4 as recorded in Map Book 0009, Page 0014 in the Office of the Judge of Probate, Jefferson County, AL, P.I.D. 22 00 24 4 023 001 000 City Account 4975, and located at 2909 15th Avenue North, Birmingham, which was acquired by the City upon foreclosure of municipal improvement liens in accordance with Section 3-1-4(c) of the General Code of the City of Birmingham. **[First Reading]** (Submitted by the City Attorney) (Recommended by the Director of Finance)**

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ITEM 5.

An Ordinance authorizing the Mayor, upon receipt of payment in the amount of \$10,583.17, to execute a quitclaim deed to **John Regal**, for the sale of property legally described as S 45 FT LOT 5 BLK 674 BHAM BHAM as recorded in Map Book 0800, Page 0001 in the Office of the Judge of Probate, Jefferson County, AL, P.I.D. 22 00 25 1 005 003 000, City Account 4978, and located at 1301 29th Street North, Birmingham, which was acquired by the City upon foreclosure of municipal improvement liens in accordance with Section 3-1-4(c) of the General Code of the City of Birmingham. **[First Reading]** (Submitted by the City Attorney) (Recommended by the Director of Finance)**

ITEM 6.

A Resolution authorizing the Mayor to execute any and all documents necessary for the City of Birmingham to enter into an interlocal governmental cooperation and cost sharing Agreement with **the State of Alabama**; acting by and through the Alabama Department of Transportation for the public purpose of the restoration and maintenance of the interstate lighting on I-59/20 from Tallapoosa Street to the I-59/20 route interchange landscaping along Birmingham area interstates, highways, and on/off ramps at a total cost of \$3,500,000.00 to be divided among the parties with the City's share of the cost to be \$1,650,000.00. (Submitted and Recommended by the Mayor)**

CONSENT**ITEM 7.**

A Resolution authorizing the Mayor to execute an agreement with the **Birmingham Public Library/Five Points West Library**, under which the Birmingham Public Library/Five Points West Library will facilitate access to senior citizen activities and programs that enhances awareness of the library system while increasing utilization of books, audio music, movies, presentations, exhibits and other library resources, both digitally and in person, for an amount not to exceed \$7,500.00 for a term of one (1) year. [**Funding Source: District 8 Discretionary Funds**] (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

CONSENT**ITEM 8.**

A Resolution authorizing the Mayor to enter into a Temporary Site License Agreement whereby the City of Birmingham grants **Cellco Partnership d/b/a Verizon Wireless**, a revocable license to install, operate and maintain a Cell on Wheels (COW) with temporary cellular telephone transmitting and receiving equipment and antennas, including an antenna pole or mast, transmission lines, cables or conduits, support equipment and accessories, and such other equipment necessary and appropriate for Licensee's use. All of the aforementioned fixtures and related equipment will be installed temporarily at the Birmingham Crossplex, located at 2340 Crossplex Boulevard, to serve The World Games 2022, an 11-day international multi-sport event. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering and Permits)

CONSENT**ITEM 9.**

A Resolution approving and authorizing the Mayor to execute a Parking License Agreement between the City of Birmingham and the **Housing Authority of the Birmingham District (HABD)**, under which HABD will lease to the City, property located between 22nd and 23rd Streets North and 7th and 8th Avenues North, and also property located at Elyton Village, located between 4th Court and Graymont Avenue West and between 1st and 2nd Streets West, to be used for parking of operable cars only within the sidewalk perimeter areas related to World Games for a term beginning on July 1, 2022 and ending on July 19, 2022 for an amount not to exceed \$1.00. (Submitted by the City Attorney) (Recommended by the Mayor)

CONSENT

ITEM 10.

A Resolution approving and authorizing the Mayor to execute a Novation Agreement between **MAB-RGA Lakeshore Pavilion, LP and ExchangeRight Essential Income Strategy Properties 3, LLC** under which ExchangeRight Essential Income Strategy Properties 3, LLC will be substituted for MAB-RGA Lakeshore Pavilion, LP as the Developer under the Project Agreement for the Lakeshore Publix project. (Submitted by the City Attorney) (Recommended by the Director of Innovation and Economic Opportunity and the Budget and Finance Committee)**

CONSENT

ITEM 11.

A Resolution, pursuant to §11-47-19, Code of Alabama, 1975, authorizing the Mayor to expend funds in an amount not to exceed \$500.00 to purchase historical markers to be placed at historical sites within the South Titusville Neighborhood, said funds to come from the South Titusville Neighborhood Association Funds. (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee) **

CONSENT

ITEM 12.

A Resolution, pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, 1980, as amended, authorizing the City Attorney, upon her recommendation, to settle the suit filed by **Johnnie Brock**, and authorizing the Mayor, the City Attorney, or one of her assistants, to execute all documents necessary to accomplish the settlement of the Plaintiff's lawsuit in an amount not to exceed \$75,000.00. [G/L Account: 001-028-01600-534-013] (Submitted and Recommended by the City Attorney)**

CONSENT

ITEM 13.

A Resolution, pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, 1980, as amended, authorizing the City Attorney, upon her recommendation, to settle the suit filed by **Noah Goggans**, and authorizing the Mayor, the City Attorney, or one of her assistants, to execute all documents necessary to accomplish the settlement of the Plaintiff's lawsuit in an amount not to exceed \$25,000.00. [G/L Account: 001-028-01600-534-013] (Submitted and Recommended by the City Attorney)**

CONSENT

ITEM 14.

A Resolution, pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, 1980, as amended, authorizing the City Attorney, upon her recommendation, to settle the lawsuit of *Dianne King v. City of Birmingham*, Civil Action No.; CV-2019-900346, in the Circuit Court of Jefferson County, and authorizing the Mayor to execute all documents necessary to accomplish the settlement of the lawsuit in an amount not to exceed \$25,000.00. [G/L Account: 001-028-01600-534-013] (Submitted by the City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 15.

A Resolution, pursuant to the provisions of §2-3-27 of the General Code of the City of Birmingham, 1980, as amended, authorizing the City Attorney, upon her recommendation, to issue a settlement check to the claim of *Burnquetta Pruitt Vines*, and authorizing the Mayor, the City Attorney, or one of her assistants, to issue a settlement check in an amount not to exceed \$45,000.00. [G/L Account: 001-028-01600-534-013] (Submitted by the City Attorney) (Recommended by the Mayor)**

CONSENT

ITEM 16.

A Resolution amending Resolution No. 2102-20, adopted by the Council October 27, 2020, fixing a special assessment against various properties throughout the City for the abatement of noxious or dangerous weeds, to remove 5605 Avenue North, due to the owner providing no lien document. (Recommended by the Public Improvements and Beautification Committee)

CONSENT

ITEM 17.

A Resolution accepting and approving the bid of **Ingram Equipment Company**, Pelham, Alabama, for the purchase of Pac Mac Brush Truck Parts, Group Three (3), Lemco Brush Truck Parts, Group Four (4), and Petersen Brush Truck Parts, Group Five (5), as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year guaranteed with the option of renewal, contingent upon Council approval, for the Department of Equipment Management, this being the lowest bid submitted meeting specifications. [G/L Account: 001.151-004] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (One Bid Submitted)

CONSENT

ITEM 18.

A Resolution accepting and approving the bid of **Greener Turf Services, LLC**, Pleasant Grove, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 19.

A Resolution accepting and approving the bid of **Heritage Realty Holdings, LLC**, Dolomite, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 20.

A Resolution accepting and approving the bid of **James & Company Property Resources, Inc. dba JCPR, Inc.**, Birmingham, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 21.

A Resolution accepting and approving the bid of **KEDS Investment Firm, LLC**, Montgomery, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 22.

A Resolution accepting and approving the bid of **Small Turf and Pressure Washing, LLC**, Birmingham, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 23.

A Resolution accepting and approving the bid of **Think Safe, Inc.**, Birmingham, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 24.

A Resolution accepting and approving the bid of **Turf Pros, LLC**, Trussville, Alabama, for Weed Abatement & Debris II, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, which will begin the 2nd year of the current bid. [**G/L Account: 103_000.513-020; Project Code: PW103CP 001168**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Sixteen Bids Submitted)

CONSENT

ITEM 25.

A Resolution accepting and approving the bid of **Adapco, LLC**, Lake Mary, Florida, for pesticides, fertilizers, & soil amendments – line items 20 & 27, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 26.

A Resolution accepting and approving the bid of **Clarke Mosquito Control Products, Inc.**, Saint Charles, Illinois, for pesticides, fertilizers, & soil amendments – line items 18, 19 & 44, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 27.

A Resolution accepting and approving the bid of **GreenPoint AG Holdings, LLC**, Birmingham, Alabama, for pesticides, fertilizers, & soil amendments – line items 3, 8, 12, 14, 26, 33, 38, 46, 47, 58, 60-62, 64, 66, 71, 72, 76, 80, 84, 92, 96, 100, 101, 108, 109, 123, 126, 130, 143, 148, 155, 157, 159, 160 & 170, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 28.

A Resolution accepting and approving the bid of **Humphries Farm Turf Supply**, Joppa, Alabama, for pesticides, fertilizers, & soil amendments – line items 4, 6, 7, 10, 28, 36, 47, 69, 106, 128, 132, 144, 150-152, 154, 156, 162, 165 & 169, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 29.

A Resolution accepting and approving the bid of **Marubeni America Corporation dba Helena Agri aka Helena Chemical Company**, Selma, Alabama, for pesticides, fertilizers, & soil amendments – line items 87, 91, 95, 97-99, 103-105, 107, 112 & 116, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 30.

A Resolution accepting and approving the bid of **Red River Specialties, LLC**, Shreveport, Louisiana, for pesticides, fertilizers, & soil amendments – line items 39, 56, 68, 73, 75, 86, 88-90, 93, 94, 102, 110, 113-115 & 117-121, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 31.

A Resolution accepting and approving the bid of **SiteOne Landscape Supply**, Cleveland, Ohio, for pesticides, fertilizers, & soil amendments – line items 1, 2, 5, 11, 13, 15, 23-25, 29-32, 35, 41, 43, 45, 51, 53, 59, 65, 74, 77, 78, 81, 85, 122, 124, 129, 131, 135, 136-141, 146, 149, 153, 158, 168 & 169, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 32.

A Resolution accepting and approving the bid of **Southern States Cooperative, Inc.**, Richmond, Virginia, for pesticides, fertilizers, & soil amendments – line items 9, 17, 24, 48, 49, 55, 63, 67, 70, 82, 83, 145 & 161, as needed at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year, for the Public Works Department, this being the lowest bid submitted meeting specifications. (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works) (Eight Bids Submitted)

CONSENT

ITEM 33.

A Resolution approving payment to **ALSCO**, Trussville, Alabama, in the amount of \$7,852.00 to pay for linen services on file in the Office of the Purchasing Agent, in accordance with Section 3-1-7 of the Birmingham City Code. [G/L Account: 001_074_01020_01021.527-042] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of The Arlington Antebellum Home)

CONSENT**ITEM 34.**

A Resolution approving payment to **Greenpoint AG Holdings dba Universal**, Birmingham, Alabama, in the amount of \$6,257.35 for the purchase of various herbicides, for the Public Works Department in accordance with Section 3-1-7 of the Birmingham City Code. [**G/L Account: 001_049_41200_41201.519-002**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works)

CONSENT**ITEM 35.**

A Resolution approving payment to **Ingram Equipment Company, LLC**, Birmingham, Alabama, for the purchase of four (4) 2023 Autocar ACX64 RH Steer Heil Liberty 22-yard automated refuse trucks at \$350,175.60 each with optional features at the unit prices on file in the office of the Purchasing Agent, for the Public Works Department, in accordance with Sourcewell Contract #091219-THC. [**Appropriated for in the FY 2021-2022 Budget; G/L Account: 102_000.600-007; Project Code: EM102CP 004007_001**] (Submitted by the Mayor) (Recommended by the Purchasing Agent, the Director of Equipment Management and the Director of Public Works)

CONSENT**ITEM 36.**

A Resolution approving payment to **JW Auto Body and Collision**, Birmingham, Alabama, in the amount of \$2,830.14 for wreck repair supplement on vehicle number 174351, for the Department of Equipment Management, in accordance with Section 3-1-7 of the Birmingham City Code. [**G/L Account: 001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT**ITEM 37.**

A Resolution approving payment to **Stivers Ford Lincoln Mercury**, Montgomery, Alabama, in the amount of \$100,000.00 for miscellaneous automotive parts, for the Department of Equipment Management, in accordance with Sourcewell Purchasing Program, Contract #101520-FMC. [**G/L Account: 001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management)

CONSENT

ITEM 38.

A Resolution approving the itemized expense account of an appointed official. (Submitted by the Mayor) (Recommended by the Director of Finance) **

CONSENT

ITEM 39.

A Resolution approving the advanced expense account of an appointed official. (Submitted by the Mayor) (Recommended by the Director of Finance) **

CONSENT

ITEM 40.

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

CONSENT

ITEM 41.

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

OLD AND NEW BUSINESS

PRESENTATIONS

REQUEST FROM THE PUBLIC

ADJOURNMENT