

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

**January 31, 2023 – 9:30 A.M.**

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

**INVOCATION: Reverend Emily Freeman Penfield, Pastor, Woodlawn United Methodist Church**

**PLEDGE OF ALLEGIANCE: Councilor Clinton Woods**

**ROLL CALL**

**MINUTES NOT READY: October 3, 2022 – January 24, 2023**

**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**

**P(ph)**

**ITEM 1.**

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2022-00014**) to change zone district boundaries from B-2 General Business District to “Q” MU-H Qualified Mixed-Use High District, filed by C. Randall Minor of Maynard Cooper & Gale, applicant, representing the owner, 22<sup>nd</sup> Street Partners, LLC, for properties located at 2230 Highland Avenue South, 2174 11<sup>th</sup> Court South and 1128 22<sup>nd</sup> Street South and situated in the NW¼ of Section 06, Township 18-S, Range 2-West, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Councilor Abbott, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee)\*\*

**P(ph)**

**ITEM 2.**

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2022-00017**) to change zone district boundaries from R-3 Single Family Residential District to “Q” I-1 Qualified Light Industrial District, filed by Shannon S. Riley of Ambipar, applicant, representing the owner, Gateway, for property located at 5201 Messer Airport Highway, and situated in the NW¼ of Section 21, Township 17-S, Range 2-West, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Councilor Abbott, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee)\*\*

**CONSENT(ph)**

**ITEM 3.**

A Resolution relative to the application of Babajan Food Mart Inc., for the transfer of an Off Premise Beer and Wine License to be used at **G-Store**, 5616 Court I, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Tate, Chair, Public Safety Committee) (Recommended by the Public Safety Committee) \*\*

**CONSENT(ph)**

**ITEM 4.**

A Resolution relative to the application of Riggins Venue, LLC for a Special Retail Liquor License 160 to be used at **Riggins Venue**, 1575 Bessemer Road, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Tate, Chair, Public Safety Committee) (Recommended by the Public Safety Committee) \*\*

**CONSENT**(ph)

**ITEM 5.**

A Resolution relative to the application of Urban Parc, LLC for a Restaurant Retail Liquor License to be used at **Urban Parc**, 1006 20<sup>th</sup> Street South, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Tate, Chair, Public Safety Committee) (Recommended by the Public Safety Committee) \*\*

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

**CONSENT**

**ITEM 6.**

An Ordinance “TO FURTHER AMEND THE NEIGHBORHOOD ALLOCATIONS FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$3,500.00 from Sherman Heights Neighborhood Association and “TO FURTHER AMEND THE CAPITAL IMPROVEMENT FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$3,500.00 to the Fire Department, Fire Stations #16 and 17 and Supplies – Other Small Equipment. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 7.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$13,500,000.00 for a 5% Cost of Living Adjustment and \$2,454,993.00 to Birmingham Fire and Rescue for personnel. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 8.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$6,000,000.00 to Non-Departmental, Transfer to Fund 102 Capital Improvement and “TO FURTHER AMEND THE CAPITAL IMPROVEMENT FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$2,000,000.00 for Rickwood Field Improvements and \$4,000,000.00 for Legion Field Improvements. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 9.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$15,000,000.00 to Non-Departmental, Transfer to Fund 102 Capital Improvement and “TO FURTHER AMEND THE CAPITAL IMPROVEMENT FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$15,000,000.00 for Crossplex Village Family Fun Center. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 10.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$5,000,000.00 to Non-Departmental, Transfer to Fund 102 Capital Improvement and “TO FURTHER AMEND THE CAPITAL IMPROVEMENT FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$5,000,000.00 for North Birmingham (Uptown) Amphitheater. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

**CONSENT**

**ITEM 11.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$7,859,552.80 to Non-Departmental, Transfer to Fund 102 Capital Improvement; \$1,850,000.00 to Transfer to Fund 103 Neighborhood Revitalization Fund and “TO FURTHER AMEND THE CAPITAL IMPROVEMENT FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$4,401,500.00 for Park and Recreation (various improvements) and \$3,458,052.80 for Library facility improvements; and “TO FURTHER AMEND THE NEIGHBORHOOD REVITALIZATION FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$1,250,000.00 for Weed Abatement and \$600,000.00 for City-Wide Sidewalk Repairs. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

CONSENT

**ITEM 12.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$8,000,000.00 to Non-Departmental, Transfer to Fund 102 Capital Improvement and “TO FURTHER AMEND THE CAPITAL IMPROVEMENT FUND BUDGET” for the fiscal year ending June 30, 2023, by appropriating \$8,000,000.00 to Equipment Management for Rolling Stock. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

CONSENT

**ITEM 13.**

An Ordinance “TO FURTHER AMEND THE GENERAL FUND BUDGET” for the fiscal year ending June 30, 2023, by transferring \$750,000.00 to the Office of City Attorney for Legal Claims. Funding Source is Fund Balance Reserves. (Submitted by the Mayor) (Recommended by the Mayor and the Budget and Finance Committee) \*\*

P

**ITEM 14.**

An Ordinance authorizing the Mayor, in accordance with the provisions of Act 1969-916, to enter into a Interlocal Cooperation Agreement with the **Birmingham Airport Authority, (BAA)**, for a term not to exceed three (3) years for management and staffing of the fire station located at the Airport as well as to provide the Airport with Aircraft Rescue and Firefighting services, equipment and facilities together with the power to take all action necessary for the implementation of the Agreement. The BAA will reimburse the City for fully burdened salary expenses of each BFRS ARFF firefighter assigned to the BHM Airport during any pay period covered under the Agreement. BAA will reimburse BFRS via the City of Birmingham for all overtime costs for duties performed at the airport and authorizing the Mayor to execute all documents necessary to accomplish the purpose of the Agreement. **[First Reading]** (Submitted by the Mayor) (Recommended by the Mayor and the Public Safety Committee) \*\*

CONSENT

**ITEM 15.**

A Resolution authorizing the Mayor to execute and deliver a third amendment to the agreement with **Aletheia House, Inc.**, to update the scope of services and the funding amount by \$760,000.00, in an amount not to exceed \$1,867,244.00, pursuant to §11-40-1, Code of Alabama 1975, to contract for authorized goods and services. Aletheia House, Inc. will provide additional application intake, screening and case management services to support the program administration, management, compliance and financial reporting required to administer the Treasury Emergency Rental Assistance Program. **[Funding Source: CD035GR]** (Submitted by the City Attorney) (Recommended by the Mayor, the Budget and Finance Committee and the Director of Community Development)

CONSENT

**ITEM 16.**

A Resolution approving and authorizing the Mayor to execute an agreement with the **Birmingham Board of Education**, to provide services and allow the Board to coordinate with Princeton Elementary School to purchase an outdoor marquee sign and any related equipment and supplies for an amount not to exceed \$16,000.00. Said total funds will come from District #8 Discretionary Funds. **[Funding Source: 031\_205\_04280.542-001]** (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee)

CONSENT

**ITEM 17.**

A Resolution approving and authorizing the Mayor to execute a Public Transportation Services Agreement between the **Birmingham-Jefferson County Transit Authority (BJCTA)** and the City of Birmingham under which the BJCTA will provide public transportation services, as part of a transit system, to include fixed route and demand response (paratransit) services and Bus Rapid Transit (BRT) services within the City limits, for an amount not to exceed \$11,000,000.00, which compensation is comprised of \$10,000,000.00 for fixed route and paratransit services and \$1,000,000.00 for BRT services. **[G/L Account: 001\_400\_96300\_96301.550-004]** (Submitted by the City Attorney) (Recommended by the Mayor and the Transportation Committee) \*\*

CONSENT**ITEM 18.**

A Resolution authorizing the Mayor to execute and deliver an agreement between the City of Birmingham and **Birmingham Landmarks, Inc.**, for the amount not to exceed \$50,000.00, where Birmingham Landmarks, Inc. will operate performing arts and cultural venues that hosts national touring musicians and comedians, locally produced performances, film screenings, school field trips and special events, graduations and recitals, charity fundraiser events and more, catering to a diverse group of event producers and attendees. **[Funding Source: ARPA-Council District 5]** (Submitted by the City Attorney) (Recommended by the Mayor and the Director of Community Development)

CONSENT**ITEM 19.**

A Resolution authorizing the Mayor to execute and deliver an agreement between the City of Birmingham and **Children’s Village, Inc.**, for an amount not to exceed \$25,000.00, to provide long-term residential services (shelter, food, clothing, and educational services to children in the foster care system who have been removed from their homes due to abuse and neglect). **[Funding Source: \$15,000.00 ARPA-Council District 1 and \$10,000.00 ARPA-District 4]** (Submitted by the City Attorney) (Recommended by the Mayor and the Director of Community Development)

CONSENT**ITEM 20.**

A Resolution authorizing the Mayor to execute and deliver an agreement between the City of Birmingham and the **Friends Foundation of the Birmingham Public Library** in an amount not to exceed \$52,685.00 to fund the Mobile Library (Bookmobile) initiative. The bookmobile initiative will make BPL’s free services and library resources more accessible to preschoolers, children and teens, jobseekers, and older adults living in underserved communities in the city. Bookmobile offerings will include story times for the youth, fax and copying machines, workshops for resume-building and job interviewing, free WiFi, access to laptops and Chromebooks, tutoring, Books-by-Mail, and other community outreach initiatives to give support through educational services to youth of the City who have been disproportionately impacted by the COVID-19 public health emergency. **[Funding Source: ARPA-Dist. 4: G/L 039\_010.445-035]** (Submitted by the City Attorney) (Recommended by the Mayor and the Director of Community Development)

CONSENT

**ITEM 21.**

A Resolution authorizing the Mayor to enter into a Non-Exclusive Student agreement with **Affinity Hospital, LLC, dba Grandview Medical Center (Grandview)** and to sign all necessary documents for the purpose of providing additional training/experience for Birmingham Fire and Rescue Service personnel/students which would enhance training for BFRS personnel and would improve/enhance emergency medical services for the citizens and visitors of the City of Birmingham. No City funds will be expended. (Submitted by the City Attorney) (Recommended by the Mayor and the Public Safety Committee)

CONSENT

**ITEM 22.**

A Resolution authorizing the Mayor to execute all documents to complete a grant with the **United States Department of Homeland to Firefighters Grant (AFG)** in the amount not to exceed \$3,500,000.00 for the purchase of ten (10) ground transport units for the Birmingham Fire and Rescue Service and the City shall provide up to \$350,000.00 in matching funds and authorizing the Mayor to take any and all actions and execute such other documents as are appropriate and necessary to make application, accept, and expend the grant funds on behalf of the City in accordance with the terms of the grant. [**G/L Account: 001\_022\_16000\_16100.536-040 Grant Match**] (Submitted by the City Attorney) (Recommended by the Mayor, the Budget and Finance Committee and the Director of Finance)

CONSENT

**ITEM 23.**

A Resolution authorizing the Mayor to execute an agreement between the City of Birmingham and **Veritext**, in an amount not to exceed \$15,000.00. under which Veritext will provide Court Reporting services for the City of Birmingham in civil litigation matters. [**Funding Source: 001-028-01600-527-050**] (Submitted by the City Attorney) (Recommended by the Mayor)

CONSENT

**ITEM 24.**

A Resolution authorizing the City Clerk to publish ordinances, resolutions, bids, ads and notices with various newspaper vendors as requested by City Departments and Agencies from time to time for the 2023 calendar year, under the provisions of Alabama Code § 6-8-65. (Submitted by the Mayor) (Recommended by the City Clerk) \*\*



**CONSENT****ITEM 25.**

A Resolution determining that **Jackie Robinson Day**, to be held on Friday, April 14 and Saturday, April 15, 2023, serves a public purpose that promotes goodwill and that the expenditure of public funds in an amount not to exceed \$10,000.00 be used for this purpose, in accordance with Section 3-1-7 of the General Code of the City of Birmingham. (Submitted by the Mayor) (Recommended by the Budget and Finance Committee) \*\*

**CONSENT****ITEM 26.**

A Resolution accepting and approving the bid of **ITS Plus, Inc.**, Plano, Texas, for Video Imaging Vehicle Detection System (VIVDS), 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 City of Birmingham Transportation Department, this being the lowest most responsive bid submitted meeting specifications. [G/L Accounts: 001\_052\_00840\_00842.513-002] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Transportation) (Two Bids Submitted)

**CONSENT****ITEM 27.**

A Resolution authorizing the Director of Finance to pay **Theo P. Hontzas** \$2,000.00 from funds for Project No. DCP157CP 003984 – Finley Avenue Access Road Grant Match for street right of way and temporary construction easement to Parcel No. 2 for the Farmers Market – 4<sup>th</sup> Street West Realignment Street Improvements Project, located at 351 22<sup>nd</sup> Avenue West, Birmingham. [Project No. ST-037-999-022] (Submitted by the Mayor) (Recommended by the Director of Director of Capital Projects and the Public Improvements Committee)

**CONSENT****ITEM 28.**

A Resolution approving payment to **BWI Companies Inc. Jackson**, Clinton, Mississippi, in the amount of \$7,112.00 for the purchase of horticulture supplies, at unit prices on file in the office of the Purchasing Agent, for the Public Works Horticulture Division, in accordance with Section 3-1-7 of the Birmingham City Code. [Appropriated in the FY 2022-2023 Budget; G/L Account: 001\_049\_41200\_41201.513-006] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Public Works)

**CONSENT****ITEM 29.**

A Resolution approving payment to **Innovative Graphic Solutions, LLC**, Montgomery, Alabama, in the amount of \$790.32 for the purchase of book binding tapes and cut sticks, at unit prices on file in the office of the Purchasing Agent, for the Print Shop, in accordance with Section 3-1-7 of the Birmingham City Code. [**Appropriated in the FY 2022-2023 Budget; G/L Account: 001\_019\_00090\_00092.524-035**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Finance)

**CONSENT****ITEM 30.**

A Resolution approving payment to **Strickland Paper Company, Inc.**, Birmingham, in the amount of \$530.00 for the purchase of two (2) bookcases, at unit prices on file in the office of the Purchasing Agent, for the Capital Projects Department, in accordance with National Cooperative Purchasing Alliance, Contract #11-18. [**Appropriated in the FY 2022-2023 Budget; G/L Account: 001\_060\_99999.525-005**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Capital Projects)

**CONSENT****ITEM 31.**

A Resolution approving payment to **W.W. Grainger, Inc.**, Birmingham, in the amount of \$1,102.94 for the purchase of small tools, at unit prices on file in the office of the Purchasing Agent, to replenish inventory at Central Stores Warehouse, in accordance with Section 3-1-7 of the Birmingham City Code. [**Appropriated in the FY 2022-2023 Budget; G/L Account: 001.152-003**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

**CONSENT****ITEM 32.**

A Resolution authorizing the Chief Financial Officer to make one (1) refund in the total amount of \$35,861.64. (Submitted by the Mayor) (Recommended by the Chief Financial Officer) \*\*

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

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

**CONSENT**

**ITEM 34.**

A Resolution approving the advanced expense accounts of appointed officials. (Submitted by the Mayor) (Recommended by the Director of Finance) \*\*

**CONSENT**

**ITEM 35.**

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

**CONSENT**

**ITEM 36.**

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

**COMMUNICATIONS FROM THE CITY CLERK**

**ITEM 37.**

Receiving the Judgement Notice from the City Attorney relative to the Final Judgement rendered in favor of the Plaintiff in *Cynthia Thomas v. City of Birmingham*, in the Circuit Court of Jefferson County, Alabama, CV-2019-904511 in the amount of \$85,971.24.\*\*

**OLD AND NEW BUSINESS**

**PRESENTATIONS**

**REQUEST FROM THE PUBLIC**

**ADJOURNMENT**