

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, November 15, 2006 at 1:00 p.m. in Committee Room #2, City Hall South, 2nd Floor.

Present: Councilmember Howard Shook, Chair
Councilmember Felicia A. Moore
Councilmember Kwanza Hall
Councilmember Clair Muller
Councilmember Jim Maddox
Councilmember Cleta Winslow

Janice D. Davis, CFO
Departmental Staff

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Absent: Councilmember H. Lamar Willis

Chairperson Shook called the meeting to order at 1:10 p.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, Kwanza Hall, Clair Muller, Jim Maddox and Cleta Winslow. Other Departmental staff was present as well.

The Agenda was adopted as printed. Minutes of the November 1, 2006 Regular Finance/Executive Committee meeting were also adopted.

CFO Davis stated that she and Mr. Meadows will discuss with the Finance/Executive Committee more detailed items or reports that are of interest to you. We will initiate the discussion of the way we fund items in the Budget. We are already mandated to give quarterly reports. The first quarterly report is not available because of the Close-Out, but the second quarterly report will be available in February. Councilmember Moore asked what will you report on. CFO Davis responded that Mr. Meadows has the list. It will be revenue items, etc. We would like to spend time with you to discuss them instead of giving you the report and leaving.

DISCUSSION ITEM:

Councilmember Moore wants to add a discussion regarding the follow-up from the Transportation Committee relating to an issue with the parking meters. She requested that a Department of Public Works representative attend the meeting to respond to media reports.

Mr. Greg Pridgeon: Mayor's Office Chief of Staff addressed the Committee by stating that he has an Administrative Order from the Mayor. There has been some confusion of City employees getting parking tickets while they are on duty. Some were paying for the tickets and some were not. Some of the tickets were not being paid. We will take a look at the tickets and inform their managers. If the managers don't agree, the employee will have to pay. If they do agree, it would come from their Budget. Councilmember Maddox asked if an employee is on City business working, why should the employee have to pay anybody anything. Mr. Pridgeon responded that the Courts are requiring us to pay the ticket.

CONSENT AGENDA

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 14.98 ACRES OF PROPERTY

06-O-2403 (1)

An Ordinance by Finance/Executive Committee Authorizing the Mayor, on behalf of the City of Atlanta ("City"), to negotiate for and purchase approximately 14.98 acres of property located at 480 South East Englewood Avenue and at 1179 South East Boulevard ("The Property"), from the Trust For Public Land ("TPL"), in an amount not to exceed six million two hundred fifteen thousand dollars (\$6,215,000.00), for the purpose of creating a new park, the City's purchase price, due diligence and

purchase services shall be Paid From Fund, Account, and Center Number: 1C53 (2005A Park Improvement Bond) 571001 (Land) N12D11B69999 (City Wide Ground and Site Improvements); and for other purposes.

FAVORABLE ON FIRST READ

TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO PAY ALL OUTSTANDING INVOICES TO GEORGIA PAVING, INC.

06-O-2404 (2)

An Ordinance by Finance/Executive Committee Authorizing the Chief Financial Officer to pay all outstanding invoices to Georgia Paving, Inc. for FC-7294-00, annual contract for speed humps, on behalf of the Department of Public Works in an amount not to exceed one hundred seventy five thousand dollars and no cents (\$175,000.00); all contracted work to be Charged To and Paid From Fund, Account and Center Numbers: 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other than Buildings) M65G014692BH (Speed Hump Installations, District 1), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015092BH (Speed Hump Installations, District 5), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015192BH (Speed Hump Installations, District 6), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G01529BH (Speed Hump Installations, District 7), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015392BH (Speed Hump Installations, District 8), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015492BH (Speed Hump Installations, District 9), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015592BH (Speed Hump Installations, District 10), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015692BH (Speed Hump Installations, District 11), 1C50 (2004 Quality of Life Fund) 574001 (Facilities Other Than Buildings) M65G015792BH (Speed Hump Installations, District 12); and for other purposes.

FAVORABLE ON FIRST READ

REGULAR AGENDA

TO APPOINT JC LOVE, III AS A PROCUREMENT APPEALS HEARING OFFICER

06-C-2391 (1)

A Communication by Mayor Shirley Franklin Appointing JC Love, III as a Procurement Appeals Hearing Officer for a term of two (2) years. Council confirmation required.

HELD

Chairperson Shook stated that Mr. Love is not here so we will Hold this paper.

TO AMEND THE PENSION ACTS APPLICABLE TO THE CITY OF ATLANTA, GEORGIA

06-O-2362 (1)

An Ordinance by Finance/Executive Committee to Amend the Pension Acts applicable to the City of Atlanta, Georgia, so that Recruits of the City of Atlanta Department of Fire and Rescue and Department of Police are ineligible to participate in the General Employees Pension Plan; and for other purposes.

FAVORABLE

CFO Davis stated that when someone is hired as a Police or Fire Recruit they go into the General Fund Employees Pension Plan until they become sworn. The deduction goes to the Police or Fire Pension Plan. We had an issue when a Recruit was injured and he applied for a Pension from the General Employees Plan, which had not received any of his contributions. To prevent this going forward, we will change the language and this was initiated by the Pension Boards. Councilmember Moore asked what does the Charter say. CFO Davis responded that it is in the Pension By-Laws and initiated by the Pension Boards. Councilmember Hall offered a motion to **Approve, 6 Yeas.**

TO AUTHORIZE THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS

06-O-2375 (2) An Ordinance by Finance/Executive Committee Authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinance, authorizing the Mayor to execute Renewal Agreement No. 2 with Precision 2000, Inc. for FC-7573-03C, Annual Contract for sidewalks, driveways and curbs, on behalf of the Department of Public Works, with no additional funding required; and for other purposes.

FAVORABLE

Ms. Madelyn Grant: of the Department of Public Works addressed the Committee by stating that this is a second renewal and it was originated in 2003. Councilmember Moore asked how long have they been working. Ms. Grant responded that we have not assigned projects to them yet. They will not operate until the second renewal is executed. Councilmember Hall offered a motion to **Approve, 6 Yeas.**

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 9.789 ACRES OF PROPERTY

06-O-2376 (3) A **Substituted and Amended** Ordinance by Finance/Executive Committee Authorizing the Mayor, on behalf of the City of Atlanta ("City"), to negotiate for and purchase approximately 9.789 acres of property located at 1090 North West Lois Street ("The Property"), from the Trust For Public Land ("TPL"), in an amount not to exceed five million seven hundred fifty thousand dollars (\$5,750,000.00), for the purpose of expanding the proposed Westside Park adjacent to the proposed Beltline, the City's purchase price, due diligence and purchase services shall be Paid From Fund, Account, and Center Number: 1C53 (2005A Park Improvement Bond), 571001 (Land) N12D11B69999 (City Wide Ground and Site Improvements); and for other purposes. **(Finance/Executive Committee Substitute adds the address in the Therefore Clause, Finance/Executive Committee Amendment includes "Exhibit A", 11/15/06)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute.

Ms. Diane Harnell-Cohen: Commissioner of the Department of Parks, Recreation and Cultural Affairs addressed the Committee by stating that this is an authorization to acquire land. It is purchased out of the 2005 Greenspace Opportunity Bonds. It is adjacent to the Bellwood Quarry. The Substitute adds the address in the Therefore Clause. Councilmember Moore stated Section 2 speaks to the Chief Procurement Officer. Commissioner Harnell-Cohen responded that the \$5.70 million dollars includes

all of it. Councilmember Moore asked what is on the property now. Commissioner Harnell-Cohen responded a building. We don't have the purchase price for demolition. If it exceeds the amount, we will come back. Councilmember Moore offered to **Approve on Substitute as Amended, 4 Yeas.**

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE TWO PARCELS OF PROPERTY

06-O-2377 (4) A **Substituted and Amended** Ordinance by Finance/Executive Committee Authorizing the Mayor, on behalf of the City of Atlanta ("City"), to negotiate for and purchase two parcels of property, one located at 526 Lynnhaven Drive, from Roderick L. Whittaker and the other adjacent vacant lot, located at Lynnhaven Drive, from Bennie E. Goodwin II ("The Properties"), for the purpose of constructing a new entrance to the Emma Millican Park ("Park"), in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00). The City's purchase price, closing costs, due diligence, demolition and development, and signage for the new entry way to the Park shall be Paid From Quality of Life District 12 Fund, Account, and Center Number: 1C50 574001 Y63F063492BH; and for other purposes. **(Finance/Executive Committee Substitute adds the address in the Therefore Clause, Finance/Executive Committee Amendment includes "Exhibit A", 11/15/06)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute that adds the address in the Therefore Clause. Councilmember Moore offered a motion to **Approve on Substitute as Amended, 5 Yeas.** Commissioner Harnell-Cohen responded that this is not from the Opportunity Bonds. This is from the Quality of Life Bonds. This will allow us to have an entrance from Lynnhaven rather than the back of the Park.

TO TRANSFER FUNDS FROM THE VINE CITY/ENGLISH AVENUE TRUST FUND

06-O-2465 (5) An Ordinance by Councilmember Ivory Lee Young, Jr. **as Substituted by Finance/Executive Committee (1), 11/15/06** authorizing the Chief Financial Officer to amend the 2006-2007 (Trust Fund) Budget, in the amount of fourteen thousand ten dollars and no cents (\$14,010.00) by Transferring Surplus Funds From 3P02 (Trust Fund) 729002 (Service Grant Expenses) D25R1017QNA0 (Flood Relief - Hurricane Isidore 9/20-22/02) to 3P02 (Trust Fund) 729002 (Service Grant Expenses), to provide assistance to provide Holiday Family Assistance; and for other purposes. **(Finance/Executive Committee Substitute adds the Fund, Account and Center Numbers, 11/15/06)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore offered a motion to **Approve on Substitute, 6 Yeas.** Chairperson Shook asked if it was legal to transfer the funds. CFO Davis responded that the Law Department said that it was okay to liquidate the transfer.

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 1.55 ACRES

06-O-2467 (6) An Ordinance by Councilmember Carla Smith **as Substituted and Amended by Finance/Executive Committee (1), 11/15/06** Authorizing the Mayor, on behalf of the Department of

Parks, Recreation, and Cultural Affairs, to negotiate for and purchase approximately 1.55 acres at 540 Englewood Avenue ("The Property") from the Trust For Public Land in an amount not to exceed six hundred twenty five thousand dollars and no cents (\$625,000.00), the City of Atlanta's ("City") purchase price, due diligence and purchase services shall be Paid From Fund, Account and Center Numbers: 1C53 (2005A Park Improvement Bond Fund, 571001 (Land) N12D11B69999 (City Wide Ground and Site Improvements); and for other purposes. **(Finance/Executive Committee Substitute adds the address in the Therefore Clause, Finance/Executive Committee Amendment includes "Exhibit A", 11/15/06)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute that adds the address in the Therefore Clause. Commissioner Harnell-Cohen responded that this is Beltline Park. This one is through the Trust For Public Land. Chairperson Shook stated that we need the "Exhibit A". Councilmember Moore offered a motion to **Approve on Substitute as Amended, 5 Years.**

TO AMEND THE 2007 (AIRPORT RENEWAL & EXTENSION FUND) BUDGET

06-O-2480 (7)

An Ordinance by Councilmember Cleta Winslow Amending the 2007 (Airport Renewal & Extension Fund) Budget by Transferring To and From Appropriations the amount of five million dollars and no cents (\$5,000,000.00) funding the City of Atlanta's existing Retainer Agreement with the Law Firms of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC that provides for the continued service as Outside Counsel to the City in connection with contract matters, claims, litigation, settlements, and construction issues at Hartsfield- Jackson Atlanta International Airport; and for other purposes.

FAVORABLE

Councilmember Moore asked what are we working on to continue the services with this company.

Mr. Robert Caput: Senior Assistant City Attorney addressed the Committee by stating that Kilpatrick Stockton, LLC and Johnson & Freeman have been providing services for four years. Councilmember Moore asked if there is a timeframe for their contract. Senior Assistant City Attorney Caput responded that we came to Council in December 2002 and the initial amount was under \$1 million dollars. We are now asking for \$5 million dollars going forward. We are required to come back to Council for additional funding. They have helped us on contract matters and lately they are helping us with litigation on a taxiway repair project and the 5th Runway project. Councilmember Maddox asked who monitors the contract. Senior Assistant City Attorney Caput responded that he does and he also reviews the invoices on a monthly basis. He has run into situations where they had to take items off of their invoices and they did. Councilmember Muller stated that she is concerned with some of the ongoing issues with the International Terminal. Senior Assistant City Attorney Caput responded that the \$5 million includes the litigation of the International Terminal. The project is extended for four months. We are asking the Courts for all of the 15 tons of document that the International Terminal design team destroyed related to the project and wiped out 67 computers of data. Councilmember Maddox asked about the reviewing and the monitoring of the firm. Is there someone else who monitors them as well? Senior Assistant City Attorney Caput responded that the invoices are sent to the Invoice Manager at the Airport to see what needs to be written off. Chairperson Shook stated that there is an attached memo with all of the details. He is convinced that they are

very variable. At what point would the City be better off bringing in another company for fresh competition. Councilmember Moore stated that you keep locking them into cases and issues that lap over. She does not like being in a situation where she does not have an option. What other firms are there working on retainers. Senior Assistant City Attorney Caput responded that he is not working with any other firm at the Airport.

Ms. Linda DiSantis: City Attorney addressed the Committee by stating that we have very specific guidelines. Every firm engaged by the City Attorney's Office is monitored by what they can bill for and what they cannot bill for. Every bill comes to her desk and she reviews them. She looks for things that are unreasonable. If you are not engaged with the strategic, you end up with unreasonable billing. The company does what they have to do and nothing more. This is unique because we need a broader array of law firms to assist us. We have all size law firms. Everything they do is related to construction at the Airport. It makes sense to have someone who has this type of experience and expertise. This is a continuing relationship. Councilmember Moore stated that she does not want to be unfair to other firms. Councilmember Maddox offered a motion to **Approve, 6 Yeas.**

TO INSTITUTE THE IMPLEMENTATION OF INTERIM CONTROLS DIRECTING THAT THE BUREAU OF PLANNING ACCEPT NO APPLICATIONS

06-O-2493 (8)

An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr., Jim Maddox, Joyce Sheperd, Cleta Winslow, Mary Norwood, Ceasar C. Mitchell and H. Lamar Willis **as Substituted by Finance/Executive Committee (1), 11/15/06** instituting the implementation of Interim Controls directing that the Bureau of Planning accept no applications for Subdivision, Rezoning or Special Permits and the Bureau of Buildings accept no applications for Building Permits concerning any parcel which is included in the area to be rezoned with the Beltline Overlay Zoning Regulations, as that area is more particularly described in the Ordinance authorizing such rezoning, until March 6, 2007, unless the applicant agrees to conform to the proposed Beltline Overlay Zoning Regulations and Proposed Amendment to the Comprehensive Development Plan; and for other purposes. **(Finance/Executive Committee Substitute adds the date of March 6, 2007, Finance/Executive Committee Amendment changes the text to say that this is the map and any additional changes would be in an Ordinance, 11/15/06)**

FAVORABLE ON SUBSTITUTE

Mr. Lem Ward: Senior Assistant City Attorney addressed the Committee by stating that we have a Substitute. The original paper references Section 4 to the Beltline overlay. At the time we are not aware of what the Ordinance number will be. This paper was written based on what was in the map. The map may change while the zoning is being adopted. This Ordinance with the attached map is the interim approach. There should be only one map. There are a number of Ordinances to implement the Beltline plan. The Beltline overlap map is in the Zoning Committee. The interim controls should be based on that area defined in that area. Councilmember Moore stated that when we pass interim controls, someone has to have something regarding changing the language. Do you have something that has not passed yet? Senior Assistant City Attorney responded yes. Mr. Pridgeon responded that if the Amendment is made, we will attach the map. Councilmember Moore offered a motion to attach the map. Chairperson Shook asked why is it a better idea not to have the map attached. Senior Assistant City Attorney Ward responded that when the Zoning Ordinance is being prepared there will be Public Hearings. Once you add a map to Legislation, it will control any additions or deletions to the Legislation during any Public Hearings. Councilmember Moore stated that is a separate piece of legislation. Mr. Pridgeon

responded that if we put it in the Amendment, it will give us the flexibility. Councilmember Moore stated that the map has no life until it is adopted. We definitely need a map and there is nothing to stop us from Amending the map if there are changes. Chairperson Shook asked if we could Amend the Legislation that refers to a map that is subject to change. Senior Assistant City Attorney Ward responded that if the area is made smaller, the controls are already there. Chairperson Shook offered an Amendment that we are making a reference that the map is subject to change. Councilmember Moore stated that it is not right to give people a moving target. If there is a major change, we can come back. Senior Assistant Attorney Ward responded that if someone introduces a project, it would be after the Legislation is adopted. He then recommended a change to the text to say that this is the map and any additional changes would be in an Ordinance. There are some risks if the Zoning Map changes, there won't be interim controls that are needed. Councilmember Moore stated that the language would make it clear that it can be removed by an Ordinance. Councilmember Winslow stated that she wants clarification on Section 6. Is that Section included to the interim controls? Senior Assistant City Attorney Ward responded no, the present zoning controls are residential properties. Councilmember Moore asked Senior Assistant City Attorney Ward to explain Section 5, Section 6 and Section 7. Senior Assistant Attorney Ward responded that Section 5 is the maps, Section 6 removes certain areas and Section 5, Section 6, Section 11, Section 15 and Section 21 is where the application permits are to be removed because they are residential areas. Councilmember Moore stated that in the last Whereas Clause it says that there is an exception of zones. Senior Assistant City Attorney Ward responded that the Beltline Overlay does not apply to single family houses. Councilmember Moore stated that Section 6 says it, but it is not in the Whereas Clause. Senior Assistant City Attorney Ward responded that he can change it. The regulations do not apply to R-1 through R-5. Councilmember Moore stated that the zoning doesn't apply either because it is not adopted by the Council. As of today there is no Overlay process. Senior Assistant City Attorney Ward responded that he would make the Amendment. Councilmember Moore stated that it says that they are exempted. Councilmember Winslow stated that one of them has to go to the Urban Design Commission. Councilmember Moore offered a motion to do a new Amendment to add a new Section 6. She then asked about Section 7. Senior Assistant City Attorney Ward responded that it does not apply to single family housing or permits for existing structures. Councilmember Moore stated in the Caption it says for a period of 120 days. Where is the language in the paper? Senior Assistant City Attorney Ward responded that the date for approval and final regulations is March 6, 2007 in Section 1. Councilmember Moore asked what is the language to explain how it is done and what Section has that language. Senior City Assistant Attorney Ward responded that Section 1 is the effective date of the Ordinance from March 6, 2006. Section 2 authorizes the interim controls and the moratorium. Section 3 refers to the Bureau of Buildings with the map attached with the exemption of R-1 to R-5 in Section 2. Section 3 also allows for the exception of development to conform to the Beltline regulations. The whole point is to have interim controls that can't be damaging to the Beltline.

Continuing Assistant City Attorney Ward stated that he has made the changes in the Caption. There are no changes on page #2 and page #3. Page #4 attaches the map. Councilmember Moore stated that we added language to do a permit by Ordinance. Senior Assistant Attorney Ward responded that Council already has that power in Section 2 and Section 3 says that you could get that. Section 6 is left as is and refers to the Special Permit. The new Section 7 relates to language in Section 2. Senior Assistant Attorney Ward asked Mr. Stokes to make a change to say lots of record. Section 8 remains the same because the building is already under construction. Section 9 is renumbered. Councilmember Moore asked if Section 9 is for the Mayor to sign. Senior Assistant City Attorney Ward responded that it sets controls until the next City Council meeting. This standard language is that if the Mayor cannot or refuses to sign means that it will be void. Councilmember Moore stated that it should say upon Adoption of the Council. Assistant City Attorney Ward responded that it cannot become law until the Mayor signs it. Councilmember Moore offered a motion to **Approve on**

Substitute as Amended, 4 Years. Councilmember Maddox asked when will it go into affect.

Continuing, Senior Assistant City Attorney Ward responded that the date is March 6, 2007. Our schedule is that we will have one extra Council meeting and have time to send it to the NPU's. It is 120 days from November 1st. Councilmember Maddox asked what would happen if we do not accomplish it. Senior Assistant City Attorney Ward responded that it would be better to adopt another Ordinance. In late February we would do another Ordinance and do another Executive Order. Councilmember Maddox stated that he wants to understand what we are doing. Senior Assistant City Attorney Ward responded that it will be adopted and it changes the Comprehensive Development Plan.

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 2.36 ACRES OF PROPERTY

06-O-2497 (9)

An Ordinance by Councilmember Smith **as Substituted and Amended by Finance/Executive Committee (1), 11/15/06** Authorizing the Mayor, on behalf of the City of Atlanta ("City"), to negotiate for and purchase approximately 2.36 acres of property along Weyman Avenue, Haygood Avenue, and Hank Aaron Drive ("The Property"), from the Trust For Public Land ("TPL"), in an amount not to exceed two million two hundred twenty eight thousand dollars (\$2,228,000.00), for the purpose of expanding the existing Four Corners Park, the City's purchase price, due diligence and purchase services shall be Paid From Fund, Account, and Center Number: 1C53 (2005A Park Improvement Bond), 571001 (Land) N12D11B69999 (City Wide Ground and Site Improvements); and for other purposes. **(Finance/Executive Committee Substitute adds the address in the Therefore Clause, Finance/Executive Committee Amendment includes "Exhibit A", 11/15/06)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute that adds the address in the Therefore Clause. Commissioner Harnell-Cohen responded that this is Beltline Park. This is for the extension to the D.L. Stanton and the Four Corners Park. Councilmember Moore offered an Amendment to add the attached map as "Exhibit A". She then offered a motion to **Approve on Substitute as Amended, 4 Years.**

TO AMEND THE 2006 (CAPITAL FINANCE FUND) BUDGET

06-O-2498 (10)

An Ordinance by Councilmember Ceasar C. Mitchell **as Substituted and Amended by Finance/Executive Committee (1), 11/15/06** Amending the 2006 (Capital Finance Fund) Budget, Department of Finance, by Adding To Anticipations and Appropriations in the amount of eight million one hundred thirty two thousand one hundred and twenty six dollars and no cents (\$8,132,126.00) for the Enterprise Resource Planning Project; and for other purposes. **(Finance/Executive Committee Substitute changes the amount from \$6.7 million dollars to \$8.1 million dollars, Finance/Executive Committee Amendment adds an additional \$105,000, 11/15/06)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute. CFO Davis stated that the Substitute adds an additional \$105,000.00. We changed the amount in the Caption and in the 1st Whereas Clause. Councilmember Moore asked about the change from

\$6.7 million dollars to \$8.1 million dollars. CFO Davis responded that it did not anticipate the training, personnel and supplies expenses. We have appropriated funds when contracts were provided. Nothing had been put in place. This Ordinance puts us there. Chairperson Shook stated that one of the things that came up in the Work Session was the cost. That cost has changed a lot. CFO Davis responded that we provided one document that had several pieces of the cost changes. It was delivered to your office on November 14th. Councilmember Maddox stated that no can say specifically what it will cost the City. We do have concerns. CFO Davis responded that the document provided shows the amounts that are appropriated. Additionally, in consultation with many of the stakeholders we put together listings that will be related to and in support of interfacing with the ERP. We don't have a crystal ball. These systems have been implemented in other places and they have provided efficiencies. This will allow us to address the issues and serve our constituents in a more professional way. This software should have been put in place 15 years ago. There is currently a user group that is getting it right for government. This is something that we desperately need.

Mr. Abe Kani: Commissioner of the Department of Information Technology addressed the Committee by stating that this Program is for cost saving and efficiency. This system will have contract information into the system and once it is there you can retrieve and analyze it. Some of the challenges the City face does not support the City's needs of accounting and GASB. There are all kinds of financial reports that we need to be available to. You don't have to wait until the fiscal year is over to retrieve information. It is providing additional services to all of the employees in terms of Human Resources as well. We are talking about changing the way the City does business. Once the system goes live and the City reaps its benefits, then maybe they can determine if there are any modifications. Councilmember Maddox asked how much money is totally invested in the Program. CFO Davis responded \$25.1 million dollars that also includes this document on the Agenda today. These will take us to the finish line of the ERP Project. These are all of the contractual services that we need. The total represents the contractual universe. There are some personal items such as software, etc. Councilmember Maddox asked if this amount includes the \$105,000.00. CFO Davis responded that brings it to \$25.2 million dollars. This Ordinance has been amended to reflect that amount. Councilmember Moore asked about Attachment "A". CFO Davis responded that this is our attempt. We have never done a formal budget on this Project. Councilmember Moore asked if there is a reason why. CFO Davis responded that it was never put into a Budget form. Councilmember Moore stated that we need to know what has been done and what is anticipated. CFO Davis responded that we had an internal budget, but it was never handled as though it was a Capital Project because of the way we were funding it through GMA. Councilmember Moore stated that we need to do that in the future. CFO Davis responded that any project of this magnitude should have a high level approval. All we had was a Whereas Clause. As we got contracts, we have done Appropriations and Anticipations and were applying them against the Appropriations. For \$27 million dollars, we bought the software, received training and consultation of our needs, and begun the implementation. We have identified our needs. We are now at the point where we are writing and creating the system. This is Oracle going forward and doing the Code. In July 2007, we will have a completed system. Councilmember Moore asked about the \$8.1 million dollars. CFO Davis responded that there was an additional amount for Personnel, other supplies and additional training. Certain training is part of the licensing. Councilmember Moore stated that she is concerned that we started off without a Budget. Chairperson Shook proposed an Amendment that we Amend the Tescom Paper to generate reports. Councilmember Moore stated that we need something that we can use from this day forward. CFO Davis responded that we have a Budget that we were working with. One request is **06-O-2142** and this paper. Councilmember Moore asked about the Third Whereas where things were added. Commissioner Kani responded that some items added were 24 interfaces on the Water System. We are now talking about 64 interfaces total. Councilmember Moore stated that it seems that the Steering Committee should have reported this to the Council. CFO Davis responded that we are asking for it now to go forward. We knew this, but we were attempting to do it with

minimum customization. We realized where the gaps occurred. Councilmember Moore asked if there are other gaps or interfaces out there. CFO Davis responded that if there are they won't get a chance to get in. Commissioner Kani responded that each Organization treat processes differently. If you process payroll in a certain manner, they do certain calculations. Part of that is customization. The interfaces talk to other systems. CFO Davis added that converting data was added to the cost. The conversions and extensions are what drove the price changes. Chairperson Shook asked how this paper relates to the Oracle Paper. CFO Davis responded that it provides the \$4.5 million dollars for Oracle. It is the dollar funding for **G-11, 12 and 13**. Chairperson Shook offered an Amendment to add the \$105,000, **4 Yeas, 1 Nay**. Councilmember Muller offered a motion to **Approve on Substitute as Amended, 4 Yeas, 1 Abstention**.

TO URGE THE 2007 GEORGIA GENERAL ASSEMBLY TO SUPPORT THE CITY OF ATLANTA'S 2007 LEGISLATIVE PACKAGE

06-R-2405 (1)

An **Amended** Resolution by Finance/Executive Committee Urging the 2007 Georgia General Assembly to support the City of Atlanta's 2007 Legislative Package. **(Finance/Executive Committee Amendment Amend the Pension Board Investment Section of "Exhibit A" to add the following language at the end of the paragraph entitled "Summary/Requested Change", after the word "markets" and increase allocation to equities to 65% with real estate allocation being counted toward fixed income allocation.", 11/15/06)**

FAVORABLE AS AMENDED

Mr. Pridgeon stated that the CFO stated that there is an additional item that needs to be added. CFO Davis responded that yesterday we had the Police and Fire Pension meeting. Because of the restriction we have a hard time making the targeted rate of return. We are asking that we be permitted to invest up to 10% of the assets of the plan in real estate and international investments. Our proposed Amendment is to increase the plan assets for return equity. The 10% of Debt Investment will be applied to the Fixed Asset. Councilmember Hall stated that we are underfunded and if the State will allow us, we need to do it as soon as possible. CFO Davis responded that the Actuary advises that there are other funds that will join us and give their support. Mr. Pridgeon added that other jurisdictions will join in. If we put it in our Legislative Package, other jurisdictions will follow. CFO Davis responded that we have spoken to some other people. There are a lot of small municipalities that don't have their own Pension funds. Councilmember Hall stated that Senator Jesse Hill has been supportive of alternative assets. Chairperson Shook asked what does this do again. CFO Davis responded that it will be from the current 55% to 65% and allocate what we designate as real estate against the fixed asset. Chairperson Shook read the Amendment that Amends the Pension Board Investment Section of "Exhibit A" to add the following language at the end of the paragraph entitled "Summary/Requested Change", after the word "markets" and increase allocation to equities to 65% with real estate allocation being counted toward fixed income allocation." Councilmember Hall offered a motion to **Approve as Amended, 5 Yeas**. Chairperson Shook asked who the subject matter be directed to. Mr. Pridgeon responded the Deputy Chief of Staff, Jim Morris, III along with himself and Ms. Clair McLeveighn. We are close to having a permanent employee.

TO AUTHORIZE THE MAYOR TO ENTER INTO RENEWAL AND AMENDMENT AGREEMENT NO. 1 WITH JOHNSON CONTROLS, INC.

06-R-2406 (2)

A **Substitute** Resolution by Finance/Executive Committee Authorizing the Mayor to enter into Renewal and Amendment Agreement No. 1 with Johnson Controls, Inc., for FC-7657-04, Service, Repair, and Maintenance to Heating, Ventilation and Air

Conditioning (HVAC) Systems, on behalf of the Office of General Services, in an amount not to exceed two million one hundred forty thousand eight hundred eighty dollars and eighty eight cents (\$2,140,880.88); all contracted work shall be Charged To and Paid From the Fund Account and Center Numbers listed herein; and for other purposes. **(Finance/Executive Committee Substitute adds Account Name, 11/15/06)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that there is a Substitute.

Ms. Deborah Scott-Brooks: Director of the Office of General Services addressed the Committee by stating that this is a request for a HVAC renewal contract and adds funds to the Citywide operations. Councilmember Maddox offered a motion to **Approve on Substitute, 4 Yeas.** Chairperson Shook asked how you went from \$10,000 to \$2.1 million dollars. Ms. Scott-Brooks responded that at the time when the contract was approved we were at the end of an operating year and at the end of our operating funds. General Services allocated \$10,000 from the end of the year that was left over. Meantime we have worked with each Department and determined the amount of work needed and funded it on a Citywide basis. Councilmember Martin asked if these are for facilities and buildings under the Department of Parks, Recreation and Cultural Affairs. What is the amount of anticipation they have given. Ms. Scott-Brooks responded that she does have estimates from them, but not specific locations.

TO AUTHORIZE THE MAYOR TO ENTER INTO RENEWAL AGREEMENT NO. 1 WITH DPS-INFRASTRUCTURE MONITORING SYSTEMS, INC.

06-R-2410 (3) A Resolution by City Utilities Committee Authorizing the Mayor to enter into Renewal Agreement No. 1 with DPS-Infrastructure Monitoring Systems, Inc. for FC-6005007979, Operation and Maintenance Service for the Hemphill Pumping Station, on behalf of the Department of Watershed Management, in an amount not to exceed one million nine hundred thousand dollars and no cents (\$1,900,000.00); all contracted work will be Charged To and Paid From Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 523001 (Serv/Repair/Maint Cont.) Q63401 (System Control Center); and for other purposes.

FAVORABLE

Ms. Sheila Pierce: Deputy Commissioner of the Department of Watershed Management addressed the Committee by stating that this is a contract with APS Infrastructure Monitoring Systems, Inc. for our Hemphill Pumping Station. The vendor provides staffing 24 hours a day, 7 days a week. It pumps water from the Hemphill Station to the Distribution Center for the downtown area. Chairperson Shook stated that this is a 100+ year old pumping facility. How can we move to something in the 20th century? Deputy Commissioner Pierce responded that our goal is 2008. Councilmember Moore asked why did it expire on October 27, 2006. Deputy Commissioner Pierce responded that we wanted to make sure that we could explain the schedule when the information was brought to you. Councilmember Maddox offered a motion to **Approve, 5 Yeas.**

TO REQUEST THAT THE MAYOR AND THE ATLANTA CITY COUNCIL DISCONTINUE THE ANNUAL REQUEST FOR AND USE OF \$8,000,000.00

06-R-2473 (4) A Resolution by Councilmember Howard Shook Requesting that the Mayor and the Atlanta City Council discontinue the annual request for and use of the \$8,000,000.00 annual Bond General Obligation Funds; and for other purposes.

HELD

We will Hold this paper for further discussion and review.

TO AUTHORIZE THE MAYOR OR HER DESIGNEE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THOMAS POCOCK

06-R-2477 (5)

A Resolution by Councilmembers Howard Shook, Cleta Winslow and Jim Maddox Authorizing the Mayor or her Designee to enter into a Professional Services Agreement with Thomas Pocock, a retired employee of the City of Atlanta Department of Corrections, under the provisions of Section 3-305 of the Charter of the City of Atlanta, for a period not to exceed 12 months; authorizing expenditures under such Professional Services Agreement in an amount not to exceed \$105,000 to be Charged To and Paid From 1C51 524001 T33401 (Capital Finance Fund; Consultant/Professional Services; ERP); and for other purposes.

FAVORABLE

Councilmember Moore asked how did we come up with \$105,000. Mr. Pridgeon responded that we have to compensate appropriately for the responsibilities contained in this position. We think that it is fair compensation for the project being proposed. Mr. Pocock has retired and he was not working on this project entirely. Councilmember Moore stated that we went through this before. We have people that retire, then we bring them back as Consultants with a retirement check. We are just going down a slippery slope. She cannot support this paper unless there is a real good reason to do so. Mr. Pridgeon responded that when there was an Early Out Program, we allowed employees to come back for 520 days. This proposal is for one year. Mr. Pocock has additional skills and is available to make the project better. He has an understanding of the system and this project. Hiring him makes it more efficient from a financial standpoint. Councilmember Moore asked what is CATS. Mr. Pridgeon responded it is the City of Atlanta Total Solution, which is the ERP. Mr. Pocock is most available to us and his expertise can move this project more quickly. Councilmember Moore asked what makes him qualified for this. Mr. Pridgeon responded that all of the Commissioners are fully engaged in this project. If we went to the market place, there would be a learning process. Councilmember Moore asked who is doing it now. Mr. Pridgeon responded no one, but we have a variety of contractors. There is a gap in the Project Team. Councilmember Moore stated that the ERP is technology based. What experience will he bring to the table? Mr. Pridgeon responded that he went through a series of presentations. He was involved in all of the training sessions. We believe that his understanding and knowledge is worthy. Councilmember Moore asked if the Fund, Account and Center Number what is proposed is to pay for the additional position. CFO Davis responded that we would increase **06-O-2498** by \$105,000. Councilmember Moore asked who is the head of the ERP? Mr. Pridgeon responded it is the Chief of the Department of Information Technology. Councilmember Moore asked the ERP Project Manager about the additional money. What is contemplated in this?

Mr. Sherman Bryant: ERP Director addressed the Committee by stating that this position is unique. It is a timely basis. Mr. Pocock will focus on change management. He will act as a liaison to the other Commissioners. We need an executive. Mr. Pocock has shown the relationship and leadership of working with the ERP. Councilmember Moore asked why this was not mentioned at the ERP Work Session. Mr. Sherman responded that there was a timing issue. CFO Davis added that this has come up recently. It is a contract, not a position. We are Amending the Ordinance because we were unaware of it moving forward. Councilmember Maddox stated that the maximum is 520 days. We could extend it if we needed to. Is he involved with the Department of Corrections? Mr. Pridgeon responded not as much. He will not provide direct access to that Department. His focus will be on ERP only. Councilmember Maddox asked what is the status of his replacement? Mr. Pridgeon responded that the solicitations have

gone out. We are very close to making a recommendation. Councilmember Maddox asked if there are in-house applicants. Mr. Pridgeon responded that it includes a variety of people. Chairperson Shook stated that some of the language has been changed from the original Legislation. Mr. Pridgeon responded that he will do a minimum amount of work with the transition of the Department of Corrections. Chairperson Shook asked if there are other costs. Mr. Pridgeon responded that it is very little such as parking, meals, etc. Chairperson Shook asked who he will report to. Mr. Pridgeon responded that he reports to the Steering Committee. Councilmember Martin asked when will this stop. He should be on the Program Management Team payroll. Councilmember Moore stated that she believes that he would have to wait a year before coming back to the City. Councilmember Martin asked if other Commissioners retire, will they be given the same opportunity. Mr. Pridgeon responded that we have no plans for that to occur. The people who try to get business from the City are the people who have to wait a year. Councilmember Martin asked how many hours will he work. Mr. Pridgeon responded 40 hours a week. Councilmember Martin asked what are the qualifications needed to do this job. He understands that Pocock expertise is Corrections. He is supposed to help the other Commissioners better understand the ERP System. If there was no Mr. Pocock, what would be the qualifications to do this job? Mr. Pridgeon responded that this position is one that would require a person to have intimate knowledge of City government. It allows for people in our system to understand that the change being proposed is one that is accepted by the Administration and Governing Body. We need someone to move through the system quickly and efficiently. Councilmember Martin asked if Mr. Pocock did not retire, who would be put in this position. Mr. Pridgeon responded that he is not sure, but he is glad that Mr. Pocock is available. Councilmember Martin stated that when the Organizational Chart was done, this position was not in there. He assumes that no one is presently working on the project. He is concerned with the way we spend money. Chairperson Shook asked about the assimilation he would be providing.

Ms. Sherry Dickerson: of the Department of Human Resources addressed the Committee by stating that part of this position will be changes with Commissioners and how the changes will happen. It is the centralization or decentralization of functions. Chairperson Shook asked if it has been worked out yet. Ms. Dickerson responded that the Consultant is not knowledgeable about how we handle certain processes. Chairperson Shook stated that Mr. Pocock has done a great job. He will support this because he will bring the important skills to this job. He will be much more effective than someone that has been here for a few months. Councilmember Muller stated that we need to get this implemented as fast as we can. We need his expertise. Councilmember Moore stated that she does not agree. He did a great job as a Commissioner. Councilmember Maddox stated that he understands the concern. Mr. Pocock will bring the expertise of his knowledge and his work ethics. He hopes that he will deliver what he is supposed to do. He then offered a motion to **Approve, 3 Yeas, 1 Nay.**

TO AUTHORIZE THE CITY ATTORNEY TO CONTINUE TO RETAIN THE LAW FIRMS OF KILPATRICK STOCKTON, LLC AND JOHNSON & FREEMAN, LLC

06-R-2479 (6)

A Resolution by Councilmembers Cleta Winslow and Jim Maddox Authorizing the City Attorney to continue to retain the Law Firms of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC to provide for the continued service of Outside Counsel to the City of Atlanta in connection with contract matters, construction management issues, infrastructure, telecommunications and environmental issues, litigation matters, and other matters concerning Hartsfield-Jackson Atlanta International Airport and the Department of Aviation; to authorize expenditures for that purpose in an amount not to exceed five million dollars and no cents (\$5,000,000.00), to be funded out of Fund, Account and Center Number 2H21 (Airport Renewal & Extension Fund)

524001 (Consultant/Professional Services) H11001 (City Attorney); and for other purposes.

FAVORABLE

Councilmember Maddox offered a motion to **Approve, 6 Yeas.**

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO QUITCLAIM TO THE ATLANTA BOARD OF EDUCATION VARIOUS SCHOOL PROPERTIES

06-R-2483 (7) A Resolution by Councilmember Ceasar C. Mitchell Authorizing the Mayor, on behalf of the City of Atlanta ("City"), to Quitclaim to the Atlanta Board of Education various school properties located in various land lots and Districts of Fulton County, Georgia; and for other purposes.

FAVORABLE

Chairperson Shook stated that the Legislation includes legal descriptions of the properties listed. Mr. Pridgeon stated that this project is under his domain and he asked Commissioner Harnell-Cohen to provide assistance. Commissioner Harnell-Cohen responded that there were several properties that the Department of Parks, Recreation and Cultural Affairs wanted to purchase from the Atlanta Public Schools. You have already approved the Ben Hill School. Each step is that the City still owns the Quit Claim Deeds. The properties are ones they want to sell and we do not have an interest in them. Councilmember Hall offered a motion to **Approve, 6 Yeas.**

AN AMENDMENT TO THE CHARTER OF THE CITY OF ATLANTA

06-O-0380 (1) A **Substitute** Ordinance by Finance/Executive Committee to Amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the Authority of Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1. et seq., as amended, so as to amend the Charter of the City of Atlanta, Georgia, 1996 Ga Laws P. 4469, et seq., by amending Article 3, Chapter 1, Section 3-104 (14) so as to adjust the limitations upon the Mayor's Procurement Authority from \$100,000.00 to \$300,000.00; to amend Article 6, Chapter 4, Section 6-402, so as to adjust the limitations on the Mayor's Small Purchase Authority from \$20,000.00 to \$50,000.00 and to adjust the threshold requirement for approval of competitively Procured Contracts by the City Council of Atlanta from \$100,000.00 to \$300,000.00; to repeal conflicting Ordinances; and for other purposes. **(Substituted and Held, 2/15/06); (Held for Work Session on 11/7/06 @ 10:00 a.m., 11/1/06); (Finance/Executive Committee Substitute states that this will not take effect until September 30, 2007, 11/15/06)**

FAVORABLE ON SUBSTITUTE

Mr. Adam Smith: Chief Procurement Officer addressed the Committee by stating that this is a follow up Substitute to our Work Sessions. The Committee took a vote, but could not carry it out because it was not a regular meeting. There was a recommendation voted on that this will not take effect until September 30, 2007. Section 4 includes that specific recommendation. Chairperson Shook stated that the 1st page of Section 1 contains the \$300,000 with no other changes. It only deals with the threshold. The only change in Section 2 is \$20,000 to \$50,000 in paragraph A. Mr. Smith stated that the unbold Section is what is already in the Code. Councilmember Moore asked if the new SBE Program fit anywhere in the language. Mr. Smith

responded that it is only in regards to the threshold. We can add the Small Business Program. It is not necessary to add it to this Substitute. Councilmember Maddox stated that it pretty much covered what we have already discussed at the last meeting. Our concerns were addressed then. Councilmember Shook stated that we have to advertise this and have three Readings. Councilmember Moore stated that she has not heard any good work being done why the Code should be changed. Some of the discussions show that we are trying to work things out. It is like selling a house. You ask for more than what you can get. She has not heard one person from ERP come to tell us the system will happen overnight. Why would we take three times as much out of our control makes no sense? No one has complained that we don't want to do it. Keeping it the way it is keeps Council in the loop. We even passed the EBE Paper, but will never get to see the contract. It keeps the Council in the dark as well as the public. People watch what we do and they hear our discussions. There are instances when people have issues with Procurement. The justification does not match what other cities are doing. Other Cities procurement amounts are less than the City of Atlanta. We are not asking for any type of reporting. Chairperson Shook stated that when the ERP is plugged in, we will have more oversight. If you wanted to wait until next year, the numbers would probably be higher. We will still have a direct control over 95% of the money. That is more in line with comfortable Cities. Councilmember Moore stated that we speak to the efficiency. Just because someone recommends something, you don't have to except it. Before contracts get to us, the efficiency is with the Administration. It can sit on someone's desk for months. Even after it is approved, it is not executed in a timely manner. 98% or 99% of the contracts are held up by the Departments. The Council currently has the authority to review and vote on contracts of \$100,000 or more. The other thing is that we are not complaining about doing our job. Inflation has nothing to do with this. Councilmember Maddox stated that we are just changing the policy. We think what we are setting makes sense. We are not giving up our authority, but trying to speed up the process. We have the authority to bring any matter before the Council. Chairperson Shook stated that we will continue this conversation on Monday at Full Council meeting. Councilmember Maddox offered a motion to **Approve on Substitute, 3 Yeas, 1 Nay.**

We have another meeting on tomorrow to deal with the Procurement Code.

TO AMEND CHAPTER 2, ARTICLE III, SEC. 2-176, CHAPTER 2, ARTICLE V, SECTION 2-252 AND CHAPTER 2 ARTICLE X OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA

06-O-0381 (2) An Ordinance by Finance/Executive Committee to amend Chapter 2, Article III, Sec. 2-176, Chapter 2, Article V, Section 2-252 and Chapter 2 Article X of the Code of Ordinances of the City of Atlanta, to provide more efficient, effective standards and procedures to better manage the procurement process in the City of Atlanta; to repeal conflicting Ordinances; and for other purposes. **(Substituted and Held, 2/15/06); (Held for Work Session on 11/7/06 @ 10:00 a.m., 11/1/06)**

HELD

TO AMEND THE CODE OF THE CITY OF ATLANTA, GEORGIA BY ADDING TO SECTION 2-183

06-O-0787 (3) An Ordinance by Councilmember Caesar C. Mitchell to Amend the Code of the City of Atlanta, Georgia by adding to Section 2-183; Department Heads under supervision and direction of the Mayor; exception responsibilities; and for other purposes. **(Held, 3/29/06); (Held and Substituted, 7/12/06)**

HELD

TO AMEND CHAPTER 2, ARTICLE X, DIVISION 4, SECTION 2-1188 (C) OF THE CITY OF ATLANTA CODE OF ORDINANCES

- 06-O-1338 (4) An Ordinance by Finance/Executive Committee to Amend Chapter 2, Article X, Division 4, Section 2-1188 (C) of the City of Atlanta Code of Ordinances, to change the means by which public notice of contract opportunities is given, by providing for online solicitations for Procurement Services which are not governed by State Law, and repealing the requirement that solicitations be advertised in a newspaper of general circulation; and for other purposes. **(Held, 6/28/06); (Held and Substituted, 8/16/06); (Held for Work Session on 11/7/06 @ 10:00 a.m., 11/1/06)**

HELD

TO ENTER INTO AN APPROPRIATE AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION

- 06-R-1450 (5) A Resolution by Councilmembers Mary Norwood and Ceasar C. Mitchell Authorizing the Mayor or her Designee to enter into an Appropriate Agreement with the State of Georgia Department of Transportation to accept funding in the amount of \$86,000.00 for the maintenance of State Highways within the City Limits in furtherance of the City's partnership with the Department of Transportation to provide employment opportunities to homeless individuals; and for other purposes. **(Held and Substituted, 6/28/06)**

HELD

TO AMEND THE 2006 (SOLID WASTE SERVICES REVENUE FUND) BUDGET

- 06-O-1451 (6) An Ordinance by Councilmembers Mary Norwood and Ceasar C. Mitchell Amending the 2006 (Solid Waste Services Revenue Fund) Budget by Adding To Anticipations and Appropriations the amount of \$86,000.00 from the State of Georgia Department of Transportation for the purpose of funding litter removal and other services related to road maintenance within the City Limits in furtherance of the City's Partnership with the Department of Transportation to provide employment opportunities for homeless individuals; and for other purposes. **(Held and Substituted, 6/28/06)**

HELD

TO AUTHORIZE THE MAYOR TO EXECUTE A MASTER AGREEMENT WITH TDC SYSTEMS INTEGRATION, INC.

- 06-R-1667 (7) A Resolution by Finance/Executive Committee Authorizing the Mayor to execute a Master Agreement with TDC Systems Integration, Inc. for FC-6006007881, Citywide On-Call Services for Information Technology Staffing; authorizing the Chief Information Officer of the Department of Information Technology, the Director of Information Technology of the Department of Watershed Management and the Aviation Information Systems Director of the Department of Aviation to execute all statements of work; all contracted work shall be Charged To and Paid From Various Fund, Account and Center Numbers; and for other purposes. **(Held and Amended, 8/16/06)**

HELD**TO REPEAL PART TWO, ARTICLE X, DIVISION 12 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA**

- 06-O-2216 (8) An Ordinance by Finance/Executive Committee to repeal Part Two, Article X, Division 12 of the Code of Ordinances of the City of Atlanta so as to enact a new Part Two, Article X, Division 12, known as the "the Equal Business Opportunity Program" for a five-year period; consistent with certain findings based on the Equal Business Opportunity Disparity Study and Legal Analysis Report and other data relative to the Business Opportunities available to Minority-and-Female-Owned Businesses in the Atlanta Region; to repeal conflicting Ordinances; and for other purposes. **(Held for Work Session on 11/8/06 @ 9:30 a.m., 11/1/06); (Finance/Executive Committee Substitute changes the amount of time Prime Contractors pay Subcontractors within 48 hours to 72 hours, 11/15/06)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that it was determined that we could not pass this paper without passing the other ones.

Mr. Hebert Owens: Director of the Office of Contract Compliance addressed the Committee by stating that the Substitute corrects clerical errors and Section 2-1456 (Subcontractors). It states that Prime Contractors pay Subcontractors within 48 hours. We are changing the time to 72 hours. Councilmember Moore asked what happens if we don't. Mr. Owens responded that we can hold up to 10% of their future payments. Councilmember Moore stated that it does not help get the people paid. Mr. Owens responded that if a Prime Contractor is withheld payment, they will settle their differences. Councilmember Hall offered a motion to **Approve on Substitute, 4 Yeas.**

TO ENACT A NEW SECTION TO PART TWO, ARTICLE X DIVISION 12

- 06-O-2217 (9) An Ordinance by Finance/Executive Committee to enact a new Section to Part Two, Article X Division 12, known as "the Vendor Relations Ordinance"; to allow the City of Atlanta to maintain data on the performance of contractors and vendors in order to ensure that purchases are made from and contracts are awarded to, responsible contractors only; to require vendors and contractors to file a Vendor Information Questionnaire; to repeal conflicting Ordinances; and for other purposes. **(Held for Work Session on 11/8/06 @ 9:30 a.m., 11/1/06)**

FAVORABLE

Mr. Owens stated that this is a new Ordinance that allows the Office of Contract Compliance to be the depository of businesses to have a centralized location for Departments. The Office of Contract Compliance will collect the data and identify if businesses are performing well or poorly. Chairperson Shook asked if he is a competitor, will he receive that information. Mr. Owens responded yes, under the Procurement Laws. It would be separate from the ERP piece. Councilmember Hall offered a motion to **Approve, 4 Yeas.**

TO REPEAL PART TWO, ARTICLE X, DIVISION 9 KNOWN AS "THE ASSISTANCE TO SMALL AND DISADVANTAGED BUSINESS;

- 06-O-2218 (10) A **Substitute** Ordinance by Finance/Executive Committee to repeal Part Two, Article X, Division 9 known as "the Assistance to

Small and Disadvantaged Business; Equal Employment Opportunity in Purchasing and Contracting” of the Code of Ordinances of the City of Atlanta so as to enact a new Part Two, Article X, Division 9, known as “the Small Business Enterprise Opportunity Program”; to promote the Economic Welfare of the People of the City of Atlanta; to promote Full and Equal Business Opportunity for all persons doing business with the City of Atlanta; to promote commerce by assisting Small Business Enterprises (SBEs) to actively participate in the City of Atlanta’s Procurement process; to repeal conflicting Ordinances; and for other purposes. **(Held for Work Session on 11/8/06 @ 9:30 a.m., 11/1/06); (Finance/Executive Committee Substitute ..., 11/15/06)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute.

Mr. Rodney Strong: Consultant for the Office of Contract Compliance (OCC) addressed the Committee by stating that this Ordinance is specifically for Small Businesses doing business with the City of Atlanta. It has several features in which small businesses can compete for bids. It provides a certain level of certification and financial assistance. Councilmember Moore asked if we will pay people to do this. Mr. Strong responded that there will be one person designated to provide the coordination and outreach functions. We will identify the technical assistance. Those services will be coordinated through the OCC. The City will not provide the services themselves. Councilmember Moore asked how could someone get into the program. Mr. Strong responded that there is a certification requirement in line with the Size Standards under the Federal Government. Any firm that meets those standards as long as they are in the targeted area, would qualify. Councilmember Moore stated that in the first part of it, under the definitions, please explain the Commercial Useful Function. How will it be monitored? Mr. Strong responded that the OCC looks for the execution of work, materials and supplies and the negotiating price. This is already being done by the OCC. Councilmember Moore asked under the definitions, what are we getting for \$750,000 under Economically Disadvantaged. Mr. Strong responded that it comes from the Federal Government Size Standards and it is tied to the Procurement Code. Mr. Owens added that those are the exceptions. Councilmember Moore asked about the ownership. Mr. Strong responded that there is no one designated to do it. It is up to OCC to provide the services. Councilmember Moore asked what is keeping us from doing it for Small Businesses. Mr. Strong responded that it sets up a Program with staff on a consistent basis. It will be continuing and on-going. By adopting this Ordinance, we can develop this Program for all small businesses. Councilmember Moore stated that we already had a goal for the EBO. Mr. Strong responded that this Program will tell you what the participation is for the SBE and MBE. Section A is dealing with the situation of how firms are counted if they apply for certification. Section B deals with how to count SBE firms in joint venture, Section C is related to a mentor protégé, Section D is the definition and Section E is providing a commercial use of function that are not suppliers. It talks about the fees for delivery of material. It also gives some guidance to OCC of how to count data given to Council. Councilmember Moore asked about sheltered market. Mr. Strong responded that it is the portion of the Program where the Chief Procurement Officer does the competition. If the number is out of line, they can throw the bid out. Anything between \$20,000 and \$100,000 is a sheltered market. We will limit the competition to small businesses. A small business does not have to compete with a large firm. Councilmember Moore stated that the last sentence says that the OCC and Chief of Procurement may decide to exclude a company. It seems that everything \$20,000 to \$100,000 is in that Program unless you prefer not to.

Mr. Martin Clark: Assistant City Attorney addressed the Committee by responding that Section A-3-A is worded to work in conjunction with the Procurement Chief. It doesn’t need to go through the Procurement process. The user agency can go and get three

quotes. At least one quote should be a small business entity. Mr. Owen added that the amount between \$20,000 and \$50,000 is the spending power. The Department of Procurement can solicit 3 quotes. Assistant City Attorney Martin added that we could make those changes. Councilmember Moore stated that we should keep it at the current Code. She then asked when they would use it. Mr. Owens responded that it would be small construction projects. Councilmember Maddox stated that minority and females are missing the opportunity to participate when we go to the State. How do we address that? Mr. Owens responded that the minority/female firms are at 34%. Councilmember Maddox stated that is a loophole that needs to be controlled. Mr. Owens responded that this gives us another mechanism to look closer at some of the proposed procurements. We are seeking more procurement contracts like computers, etc. Councilmember Moore asked about the Atlanta Regional. Mr. Strong responded that it is under definitions Section 2-13-57. We are using the Atlanta Regional Commission area. Councilmember Moore stated that she wants to be clear about having a large contract where the Procurement Chief can decide to remove someone. Mr. Strong responded that it would not work like that. It could be a construction project broken into more than one. Councilmember Maddox offered a motion to **Approve on Substitute, 5 Years.**

TO AMEND THE CONTRACT BETWEEN THE CITY OF ATLANTA AND ORACLE USA, INC. ("ORACLE")

06-R-2238 (11) A Resolution by Finance/Executive Committee to Amend the Contract between the City of Atlanta and Oracle USA, Inc. ("Oracle") for State of Georgia Contract #GTA 980-020-110165, by Authorizing the Mayor or Designee to execute Change Order No. 1 with Oracle, on behalf of the Department of Information Technology, in an amount not to exceed four million five hundred ninety four thousand four hundred sixty four hundred dollars and no cents (\$4,594,464.00); all contracted services shall be Charged To and Paid From Fund, Account and Center Number 1C51 (Capital Finance Fund) 524001 (Consultant/Professional Services) T33401 (ERP Project); and for other purposes. **(Held and Substituted, 10/11/06)**

FAVORABLE

Chairperson Shook stated that these changes will increase our savings. Councilmember Muller asked if all of the numbers are included in the Chart. CFO Davis responded that the Resolutions are included in the Spreadsheet. The \$6.120 million is a combination of scopes #38, #39 and #40. Councilmember Maddox offered a motion to **Approve, 4 Years, 1 Abstention.**

TO AMEND STATE OF GEORGIA CONTRACT #GTA-000009

06-R-2239 (12) A Resolution by Finance/Executive Committee to Amend State of Georgia Contract #GTA-000009 between the City of Atlanta and Comsys Information Technology Services, Inc. ("COMSYS"), by Authorizing the Mayor or Designee to execute Change Order No. 1 with Comsys for State of Georgia Contract GTA-000009, on behalf of the Department of Information Technology, in an amount not to exceed one million two hundred thousand dollars and no cents (\$1,200,000.00); all contracted services shall be Charged To and Paid From Fund, Account and Center Number 1C51 (Capital Finance Fund) 524001 (Consultant/Prof. Services) T33401 (ERP Project); and for other purposes. **(Held and Substituted, 10/11/06)**

FAVORABLE

Chairperson Shook stated that this firm provides the staffing for the ERP. Councilmember Muller stated that the increase is because people will be working on the project longer. It extends the contract to six months. She then offered a motion to **Approve, 4 Yeas, 1 Abstention.**

TO AMEND THE CONTRACT BETWEEN THE CITY OF ATLANTA AND TESCOM SOFTWARE SYSTEMS TESTING ("TESCOM")

06-R-2240 (13) A Resolution by Finance/Executive Committee to Amend the Contract between the City of Atlanta and Tescom Software Systems Testing ("TESCOM") for State of Georgia Contract #GTA-000-C-58, by Authorizing the Mayor or Designee to execute Change Order No. 1 with Tescom, on behalf of the Department of Information Technology, in an amount not to exceed three hundred twenty six thousand two hundred fifty dollars and no cents (\$326,250.00); all contracted services shall be Charged To and Paid From Fund, Account and Center Number 1C51 (Capital Finance Fund) 524001 (Consultant/Prof. Services) T33401 (ERP Project); and for other purposes. **(Held and Substituted, 10/11/06); (Finance/Executive Committee Condition that a companion Resolution is drafted on Monday that Tescom provide a quarterly report, 11/15/06)**

FAVORABLE ON CONDITION

Chairperson Shook said that this firm provides oversight and internal auditing. CFO Davis responded that there was language in Ms. Ward's presentation that you might be able to use to create your Amendment.

Ms. Leslie Ward: Internal Auditor addressed the Committee by stating that the language recommends that on page #16 that Tescom should review process change requests. To determine if there is a need for additional changes and if they are reasonable. We also recommend that they include the work of the Project Manager to keep them more independent of the Project. We recommended that they make their report to the Steering Committee. Chairperson Shook asked if they have been implemented. Commissioner Kani responded that Tescom looks at the changes and requests. The Steering Committee has received written reports. They provide bi-weekly critical success factors. Those are some of the items that have taken place. Chairperson Shook stated that the quarterly reports should go to Ms. Ward. Councilmember Moore asked what if they find a problem. How does the information get used? Commissioner Kani responded that occurs when the Project Manager and Tescom bring it to our attention. Councilmember Moore asked who gives the information to Council. Ms. Ward responded that the Internal Auditor's approach is to review the reports. Councilmember Moore asked who determines who is on the Steering Committee. Commissioner Kani responded the ERP Team. One of the Auditors is on it. Councilmember Moore asked if Council can attend a meeting. Commissioner Kani responded that Tescom provides the information to the Auditors. Chairperson Shook stated that the CFO is on the Steering Committee. Councilmember Moore asked if we could draft a Resolution regarding that. Chairperson Shook stated that we would draft a Resolution if the Tescom paper is passed on Condition. CFO Davis responded that we can't Amend the State Contract. Ms. Ward added that it is not a problem to give reports to the Council. It specifically includes contractors. The recommendation for this paper is **Approval on Condition that a companion Resolution is drafted on Monday that Tescom provide a quarterly report to the Internal Auditor, 4 Yeas, 1 Abstention.** CFO Davis concluded that Ms. Ward will provide the report to Council on a quarterly basis.

TO PROVIDE FOR THE ANNEXATION OF LAND TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA

06-O-2250 (14) An Ordinance by Councilmembers Jim Maddox, H. Lamar Willis and Ceasar C. Mitchell to provide for the Annexation of Land to the Corporate Limits of the City of Atlanta, Georgia; to provide for the notification of the Department of Community Affairs of the State of Georgia of such Annexation; and for other purposes. **(Held, 10/11/06)**

HELD

TO ANTICIPATE AND APPROPRIATE BOND PROCEEDS IN THE AMOUNT OF \$50,000,000.00

06-O-2277 (15) An Ordinance by Councilmember Cleta Winslow **as Substituted by Finance/Executive Committee (1), 11/15/06** Anticipating and Appropriating Bond Proceeds in the amount of \$52,430,619.00 from the Atlanta Public Safety and Judicial Facilities Authority Revenue Bonds (Public Safety Facility Project), Series 2006 to fund the construction of the Public Safety Headquarters Facility; and for other purposes. **(Held for joint Work Session with Public Safety Committee on November 9th @ 1:00 p.m., 11/1/06); (Finance/ Executive Committee Substitute changes the amount from \$50,000,000.00 to \$52,430,619.00, 11/15/06)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that there is a Substitute that changes the amount from \$52,000,000.00 to \$52,430,619.00. CFO Davis stated that this Bond has already been issued.

Ms. Karen Carter: Director of the Office of Municipal Finance addressed the Committee by stating that the Senior Co-Manager of City Court ordered this transition. Councilmember Martin asked who are the Minority Firms? CFO Davis responded that she would get the information. Ms. Carter added that all of the information is on a term sheet. The Substitute has the total proceeds as well as addresses the Fund, Account and Center Numbers. Councilmember Moore asked how did the cost go up? Ms. Carter responded that they were based on a premium for the Series of the Bonds. Councilmember Moore asked what happened to the rest of the money because Schedule 1's total project amount is \$47 million dollars.

Mr. David Edwards: Program Manager of the Mayor's Office addressed the Committee by stating that the \$47 million dollars was the Turner Contract. The balance will be used for the land acquisition. It was purchased from the Sale of City Hall East which was \$5.4 million dollars. The Bond proceeds can only be used for the construction of the Public Safety Headquarters. Councilmember Moore stated that in Section 1 it is \$52.4 million dollars and the total project is \$47 million dollars. Mr. Edwards responded that the total is \$52.4 million along with the land acquisition cost. Councilmember Moore stated that it has the land included. CFO Davis added that she is not sure who put together the Schedule. When we sold City Hall East, we used the funds to purchase the land and we are reimbursing the funds for the Public Safety Facility complex. We are reimbursing one account to move the funds. It is going to stay at \$0. If there was additional funding you may have seen other lines. Councilmember Moore stated that she assumed the Schedule was a description of what we were selling. After the cost of the Issuance, construction and project management the rest goes to reimburse other funds that had been used. Councilmember Muller offered a motion to **Approve on Substitute, 5 Years.**

TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDMENT AGREEMENT NO. 1

06-R-2374 (16)

A Resolution by Finance/Executive Committee Authorizing the Mayor to enter into Amendment Agreement No. 1 with Dothan Security Inc., for FC-600500788B, Citywide Security Guard Services, on behalf of the Office of General Services, in an amount not to exceed one million four hundred forty four thousand nine hundred forty two dollars and no cents (\$1,444,942.00); all contracted work shall be Charged To and Paid From Fund Account and Center Numbers: 2J01 (Revenue Fund) 523001 (Service/Repair/Maintenance) Q63001 (Operations) (\$678,160.00); 2J01 (Revenue Fund) 523001 (Service/Repair Maintenance) Q33001 (Utoy Creek W.P.C.) (\$93,718.00); 2J01 (Revenue Fund) 523001 (Service/Repair/Maintenance) Q33001 (Utoy Creek W.P.C.) (\$30,430.00); 2J01 (Revenue Fund) 523001 (Service/Repair/ Maintenance) Q36001 (Intrenchment Creek W.P.C.) (\$93,718.00); 2J01 (Revenue Fund) 523001 (Service/Repair/ Maintenance) Q35001 (South River W.P.C.) (\$93,718.00); 2J01 (Revenue fund) 523001 (Service/Repair/Maintenance) Q32001 (R.M. Clayton W.P.C.) (\$187,435.00); 2J01 (Revenue Fund) 523001 (Service/Repair/Maintenance) Q32001 (R.M. Clayton W.P.C.) (\$33,197.00); 2J01 (Revenue Fund) 523001 (Service/Repair/Maintenance) Q38001 (Office of Director, Collections) (\$187,435.00); 2J01 (Revenue Fund) 523001 (Service/Repair/Maintenance) Q38001 (Office of Director, Collections) (\$22,131.00); 2J01 (Revenue Fund) 523001 (Service/Repair/Maintenance) Q12001 (Security) (\$25,000.00); and for other purposes. **(Held, 11/1/06); (Finance/Executive Committee Substitute creates the Fund, Account and Center Number and states that more sites will be added, Finance/Executive Committee Condition of receiving account information, 11/15/06)**

FAVORABLE ON SUBSITUTE

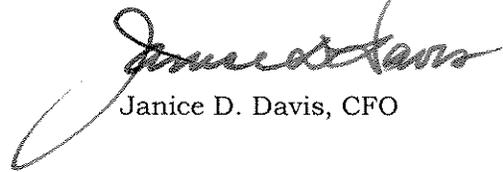
Ms. Simone Braithwaite: Legislative Council addressed the Committee by stating that the Substitute creates the Fund, Account and Center Number and states that more sites will be added. Mr. Pridgeon stated that there is a need for the services. He will be responsible for contacting the Council when papers are urgent. The contractor wants to continue to work and not walk away from the project. The Office of General Services and the operating Department will be responsible for monitoring the contract. Councilmember Muller asked if all of the accounts are out of service repair and maintenance. Mr. Pridgeon responded that there is a general provision in the account number to allow for these charges. Councilmember Moore offered a motion for a condition of getting the account information. Does the contract have anything to do with Homeland Security? We charge our users a surcharge. What is that account number?

Mr. Rob Hunter: Commissioner of the Department of Watershed Management addressed the Committee by stating that this is a contract service. There is no line item for security services. The security surcharge has its own separate account that is for capital projects. It has been in place for four years and generates \$4 million dollars annually. It is for capital projects such as fencing, gardening, etc. Councilmember Moore asked if we are expending the money. Commissioner Hunter responded that we are accumulating the money because it comes in month by month. Councilmember Maddox offered a motion to **Approve on Substitute on Condition, 5 Yeas.**

ITEMS NOT ON AGENDA**ADJOURNMENT**

Having no further business before the Committee, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janice D. Davis", is written over the typed name.

Janice D. Davis, CFO

Charlene Parker
Recording Secretary

"The Department of Finance... because customer service is important to us."