

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, January 10, 2007 at 1:00 p.m. in Committee Room #2, City Hall South, 2nd Floor.

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

Janice D. Davis, CFO
Departmental Staff

FEB 05 2007

Absent: Councilmember Clela Winslow

MUNICIPAL CLERK

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 Kwanza Hall, Felicia A. Moore, Clair Muller and Jim Maddox. Other Departmental staff was present as well.

The Agenda was adopted as printed. Minutes of the December 13, 2006 Regular Finance/Executive Committee, Special Called Procurement Charter Amendment meetings on November 7th and 16th and the minutes of the Public Hearing on November 14, 2006 were also adopted.

ELECTION OF VICE-CHAIR

Chairperson Shook offered a motion to elect Councilmember Kwanza Hall as Vice Chairperson.

CONSENT AGENDA

TO ANTICIPATE AND APPROPRIATE GRANT FUNDS

07-O-0009 (1) An Ordinance by Finance/Executive Committee to Anticipate and Appropriate Grant Funds in the amount of ten million six hundred sixty five thousand nine hundred twenty four dollars and no cents (\$10,665,924.00) from the Federal Aviation Administration and Transfer To and From Appropriations in the amount of three million five hundred fifty five thousand three hundred eight dollars and no cents (\$3,555,308.00) for the City's share in Grant Agreement 3-13-0008-74, to construct Runway 10/28 (Runway Paving and Lighting-Plan 1), improve Runway Safety (Runway 9L), improve Runway Safety Area (Runway 9R), and improve runway Safety Area (Runway 8L/26R); and for other purposes.

FAVORABLE ON FIRST READ

TO ANTICIPATE AND APPROPRIATE GRANT FUNDS

07-O-0010 (2) An Ordinance by Finance/Executive Committee to Anticipate and Appropriate Grant Funds in the amount of three million nine hundred thirty four thousand seven hundred fifty dollars and no cents (\$3,934,750.00) from the Federal Aviation Administration and Transfer To and From Appropriations in the amount of one million three hundred eleven thousand five hundred eighty three dollars and no cents (\$1,311,583.00) for the City's share in Grant Agreement 3-13-0008-75, to rehabilitate Runway 8R/26L, Phase 1; and for other purposes.

FAVORABLE ON FIRST READ

TO AUTHORIZE THE CURRENT LEASE UNTIL MARCH 31, 2007

- 07-O-0022 (3) An Ordinance Authorizing the Mayor, on behalf of the City of Atlanta ("City"), to authorize the current lease until March 31, 2007 and enter into a lease extension agreement with BPS Cores, Inc. ("Tenant"), located at 504-510 Englewood Avenue South East and 520 Englewood Avenue South East Atlanta, Georgia, beginning March 31, 2007 through June 30, 2007, in an amount not exceed ninety thousand dollars (\$90,000.00) annually, prorated at seven thousand five hundred dollars (\$7,500.00) monthly. All revenue shall be deposited into Fund, Account, and Center Number: 1C53 (2005A Park Improvement Bond Fund) 462201 (Building Rentals) N12D11B69999 (Land Acquisition); and for other purposes.

FAVORABLE ON FIRST READ

REGULAR AGENDA

TO AUTHORIZE THE TRANSFER OF APPROPRIATIONS, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)

- 06-O-2661 (1) A **Substitute** Ordinance by Finance/Executive Committee Authorizing the transfer of Appropriations, in the amount of twenty thousand dollars (\$20,000.00), from Fund, Account, and Center Number 2R21 (Civic Center Renewal and Extension Fund) 791001 (Reserve For Appropriation) T11001 (Reservation For Funds Appropriations) to Fund, Account, and Center Number 2R01 (Civic Center Revenue Fund) 729010 (Refunds) N42101, in order to allow the Atlanta Civic Center to refund the deposit paid by the "Bodies Exhibition"; and for other purposes. **(Finance/ Executive Committee Substitute adds the name of the Account, 1/10/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute that adds the name of the Account. He then stated that this was a very successful exhibit. Councilmember Hall offered a motion to **Approve on Substitute, 4 Yeas.**

TO AMEND THE GENERAL FUND BUDGET

- 07-O-0077 (2) An Ordinance by Councilmember Felicia A. Moore **as Substituted by Finance/Executive Committee** Amending the General Fund Budget, by Adding To Anticipations and Appropriations in the amount of eight hundred seventy six thousand six hundred nineteen dollars and ninety six cents (\$876,619.96) received as a refund of election advances from Fulton County for the purpose of creating a Reserve for the cost of Administration of Future Elections; and for other purposes. **(Finance/ Executive Committee Substitute adds the Fund, Account and Center Numbers, 1/10/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute that adds the Fund, Account and Center Numbers. CFO Davis stated the Substitute provides the appropriate Account Number. Councilmember Moore stated that the discussion came from the Committee on Council. We received a refund back from Fulton County for Elections. We want to

set it aside for Future Election costs or in a Reserve. It is not part of the Municipal Clerk's Budget, but we want her to mention it in her Budget proceedings.

TO WAIVE THE REQUIREMENTS OF SECTION 138-205(D) OF THE CITY OF ATLANTA CODE OF ORDINANCES

07-O-0084 (3) An Ordinance by Councilmember Kwanza Hall to Waive the requirements of Section 138-205(d) of the City of Atlanta Code of Ordinances, that was in effect in December 2006, to reduce the Outdoor Festival Permit Fee on a one time basis to \$5,000 for the Peach Drop 2007 Outdoor Festival; and for other purposes.

FAVORABLE

Mr. Imara Canady: of the Mayor's Office Special Events addressed the Committee by stating that Major Moss can explain the Legislation better.

Major Moss: of the Police Department addressed the Committee by stating that in preparation for the 2007 Peach Drop at Underground Atlanta, the Department of Transportation closed portions of Peachtree Street, which resulted in a 30% area loss. The Woodruff Park area was opened for people who wanted to see the Peach Drop. There was a concern for safety as well. We would reach an unsafe level if we continued the way we were. We used Woodruff Park because it had a secured area and a large television monitor. Underground Atlanta incurred significant expenses with the Peach Drop so the Administration requests that a permit fee be for \$5,000 as a one time occurrence. Chairperson Shook stated that there is a condition in order to provide for the viewing at Woodruff. What are the expenses incurred? Mr. Canady responded \$10,000 for the total permit fee. The \$5,000 was held back to cover the festival monitors. Councilmember Moore asked what are the future plans so we don't have to do this again. Mr. Canady responded with the closing of the bridge, more people would go to Woodruff Park. Councilmember Moore reiterated what are the future plans for the overflow. Mr. Canady responded that we are meeting with Underground next week regarding what to do for next year. Councilmember Moore asked have we gotten to the point that if the bridge was open, we'd be in the same situation. Major Moss responded that the crowd is growing. He believes if it is left in its original form, there would be problems. There were certain roads that were closed near the Downtown area. Councilmember Maddox stated that he does not have any concerns with it. Why can't the City be a joint sponsor for it? Will we have to do this every year? Mr. Canady responded during the event, there was a definition by the Law Department that a sponsored event will have to be supported by City government services. Councilmember Maddox stated that we have co-sponsored other activities. Mr. Canady responded that we are meeting with Underground next week and will discuss that. Councilmember Maddox stated that we are trying to promote Atlanta. This would probably qualify. Councilmember Hall thanked them for their hard work. He then asked if a meeting has been scheduled with the Atlanta Development Authority.

Ms. Robin Shahar: Senior City Attorney: addressed the Committee by stating that she has asked for a copy of the Outdoor Festival Ordinance. Previously there is a fairly non definitive approach to see if an event was City sponsored. Chairperson Shook stated that what is in front of us is to waive last year's festival fee. Councilmember Maddox stated that he would support it. The current Ordinance took place on January 2nd and it is different from last year's. Senior City Attorney Shahar responded that the definition of City Sponsors was changed last fall because of the 11th Circuit ruling. They said that the definition was unconstitutional. We then took the new definition and weaved it into the Ordinance that took place last week. She then read the definition. She stated that she can redo the definition. One reason why it does not apply is that the event is executed and fully financed by the City and Peach Drop does not meet the criteria as well as the event will maintain a safe environment. Councilmember Maddox stated that the decision is that we can't co-sponsor. Would we have to do this again next year? Senior City Attorney Shahar responded that this is a one time situation. We

will talk with them about next year's event regarding public safety. Councilmember Maddox stated that it would be helpful to see how New York City handles it. Senior City Attorney Shahar responded that the Apple is high up and the Peach is lower down and the area is much smaller to view. Councilmember Maddox stated that we could raise the Peach. Chairperson Shook offered a motion to **Approve, 5 Years**.

TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE REGENCY SUBDIVISION TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA

07-O-0087 (4) An Ordinance by Finance/Executive Committee to Provide for the Annexation of land known as the Regency Subdivision to the Corporate Limits of the City of Atlanta; to provide for the notification of the Department of Community Affairs; and for other purposes.

HELD

Chairperson Shook stated that the Public Hearing will be held on Monday, January 29th at 6:00.

Mr. Larry Stokes: Research and Policy Analyst addressed the Committee by stating that the Delivery Service Plan should be ready this week. Chairperson Shook stated that the Departments have to show how they will provide City Services. Copies will be available in the Clerk's Office when it is finished. Councilmember Maddox added that we need to bring in the public safety part with Police and Fire as well. We keep increasing Zone 4, but we are not increasing our manpower. Chairperson Shook stated that there would be permanent features in the Service Delivery Plan. Last time there was a need to see a map of the two Subdivisions. We need to see them in the context of the City.

Mr. Greg Pridgeon: Mayor's Office Chief of Staff addressed the Committee by stating that he would get the Bureau of Planning to provide that information.

TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE HUNTINGTON COMMUNITY TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA

07-O-0088 (5) An Ordinance by Finance/Executive Committee to Provide for the Annexation of land known as the Huntington Community to the Corporate Limits of the City of Atlanta; to provide for the notification of the Department of Community Affairs; and for other purposes.

HELD

TO AUTHORIZE THE CHIEF PROCUREMENT OFFICER, ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS

07-R-0011 (1) A Resolution by Finance/Executive Committee Authorizing the Chief Procurement Officer, on behalf of the Department of Parks, Recreation, and Cultural Affairs ("Department"), to utilize the State of Georgia Contract Number GS-35F-0143R with Insight Public Sector, in order to purchase seventeen (17) toughbook wireless pc's and accessories, in an amount not to exceed seventy one thousand four hundred sixty six dollars (\$71,466.00); all contracted work shall be Charged To and Paid From Fund, Account, and Center Number: 1A01 (General Fund) 575001 (Non-Motorized Equipment) N23201 (Forestry); and for other purposes.

FAVORABLE

Ms. Diane Harnell-Cohen: Commissioner of the Department of Parks, Recreation and Cultural Affairs addressed the Committee by stating that this is for the Forestry Team. They currently have to come back to their office to fax information to us, because it cannot be done by radio communication. If we have to clean up graffiti, we have service people go out and get a contract for it. With this system we can do it ourselves.

TO UTILIZE THE STATE OF GEORGIA CONTRACT GS-35F-0414K

07-R-0023 (2) A Resolution Authorizing the Mayor or Designee to utilize the State of Georgia Contract GS-35F-0414K with Business Objects Americas for the purchase of one (1) Crystal Report server XI R2 Windows 20 CAL, one (1) Crystal Reports Professional upgrade XI Windows, and standard support, on behalf of the Department of Watershed Management, in an amount not to exceed twenty seven thousand five hundred fifty dollars and eighty cents (\$27,550.80); all contracted work to be Charged To and Paid From Fund, Account, and Center Number 2J21 (Water & Wastewater Renewal & Extension Fund) 575001 (Equipment) Q71201 (IT Technical Support); and for other purposes.

FAVORABLE

Ms. Sheila Pierce: Deputy Commissioner of the Department of Watershed Management addressed the Committee by stating that the company is a State Contract Company. It is for replacement servers and software upgrades. It is so the field staff or crews can go out and repair water systems. The new Call System was implemented in September 2002. Councilmember Maddox asked when a call comes through and you find out that it is not the City's responsibility, do you inform the caller? Ms. Pierce responded that we seldom get calls that are not in our area. Councilmember Maddox stated that it may be the owner's responsibility. What time factor does it take to get back to them? Ms. Pierce responded that we will notify the homeowner that it is their responsibility in a couple of days. Councilmember Maddox offered a motion to **Approve, 5 Years.**

TO AUTHORIZE THE MAYOR, ON BEHALF OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT, BUREAU OF HOUSING TO ACCEPT NAME CHANGE

07-R-0024 (3) A Resolution Authorizing the Mayor, on behalf of the Department of Planning and Community Development, Bureau of Housing, to accept the name change of Community Affairs Ministering Program, Inc. to Community Alliance of Metropolitan Parkway ("CAMP"), a nonprofit Community Housing Development Organization ("CHDO"), registered to do business in the State of Georgia; and for other purposes.

FAVORABLE

Councilmember Maddox offered a motion to **Approve, 5 Years.**

TO AUTHORIZE THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH CADUCEUS OCCUPANTIONAL MEDICINE FOR FC-6006007902

07-R-0079 (4) A Resolution by Councilmember Clela Winslow Authorizing the Mayor to enter into an Appropriate Contractual Agreement with Caduceus Occupational Medicine for FC-6006007902, Pre-Employment Physicals/Drug Testing (RFP) on behalf of the Department of Human Resources in an amount not to exceed four hundred thirty-three thousand dollars and no cents (\$433,000.00). All contracted work shall be Charged To and Paid From Fund, Account and Center Number: 1A01 524001 T31001.

FAVORABLE ON CONDITION

Ms. Sherry Dickerson: of the Department of Human Resources addressed the Committee by stating that this is the contract for doing pre-employment physicals and random drug screening. This is a new contract. Councilmember Moore stated that she needs the information regarding other bids.

Mr. Dave Chapman: Deputy Chief Procurement Officer addressed the Committee by stating that when we give the Request For Proposal it includes the name of the vendor. The dollar amount was not included. Councilmember Moore asked why the dollar amount is so significant. Ms. Dickerson responded that late last year the Council authorized Sworn Personnel to have random drug screening for Police, Fire and Corrections. We have not been doing drug screenings for Public Safety. They account for 75% of the total population. We get charged based on the usage and we have a not to exceed amount in place. Councilmember Moore asked for the cost under different scenarios. Why is it different from what we have done in the past? Ms. Dickerson responded that in 2005 we did 606 random drug screenings and we added an estimated 2400. Councilmember Moore asked for a breakdown and how the money is spread out? Ms. Dickerson responded that she would provide the information. The contract for 2006 was for \$293,600 and has not changed. Councilmember Moore asked what is it we are paying for and what is the difference from last year. She also wants to know how you came up with \$443,000. Councilmember Maddox asked if this is a new firm. Ms. Dickerson responded no. Councilmember Maddox asked what percentage is Minority Participation? Mr. Chapman responded 30%. Councilmember Maddox stated that we need to concentrate more on Local Preference. They are not getting the opportunity that they should.

Mr. Tracy Reid: of the Office of Contract Compliance addressed the Committee by stating that out of the 30%, the Local Preference is 17%. Chairperson Shook offered a motion to **Approve on Condition of receiving the information, 5 Yeas.**

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 (1)

A **Substitute** Ordinance by Finance/Executive Committee to amend Chapter 2, Article III, Sec. 2-176, Article V, Section 2-252 and Chapter 2 Article X, Divisions 14 through 16 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); (Substituted and Held, 12/13/06); (Finance/Executive Committee Substitute adds Article V, Section 2-252, Division 1 through 8 and Division 14 through 16 in the Caption, page #2 adds 90 days; Present and Members of the City Council; Section 2 and replace Sec. 2-252, page #5 deletes "Established Catalogue Price", page #6 deletes "Offer", page #7 deletes "Purchase Request", deletes "bidder" from "Responsible bidder or offeror" and "Responsive bidder or offeror", page #13 adds Delegation of authority, page #14 adds controls and procedures, Page #17 adds Paragraph (2) purchase authority of \$300,000.00, page #22 (e) City Council initiated debarment, page #39 adds 2-1191.1 Special Procurements, page #44 adds (a) line 4 "\$50,000.00"; line 9 should figure be "\$20,000.00", page #51 adds (a) 120 days; "When the Chief Procurement Officer grants...", page #55 adds Secs. 2-1214 - 2-1235 Living Wage deleted, page #59**

**adds "\$50,000.00" in first and last paragraph (b), page #64
adds (c) Contract modification and page #65 adds Sec. 2-1608
"\$50,000.00", 1/10/07)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that Councilmembers should have a document from Mr. Stokes, which includes the Procurement Code list of changes. We recently completed the approval process for the Chartered related changes. The copies are not in our agendas. We were given binders with the changes. When we concluded our deliberations, we were exploring changes. Senior City Attorney Caput has worked on this for three years.

Mr. Robert Caput: Senior City Attorney addressed the Committee by stating that the only remaining issue is Section 2-1292. We proposed to require contracts to come to Council for approval for a certain amount. It provides notice to Council prior to the Change Order. Councilmember Muller stated that she has an issue with Section 2-1292 under Subsection B, Modifications exceeding 10%. Currently in the Code, Departments can modify contract Change Orders as long as they are under 10%. 10% can be a huge number. She wants to put some safeguards into place. What does the language mean? Senior City Attorney Caput responded that this Section does not say if the contract is 10% or less, you don't have to put a cap on it. He then gave an example. You still have to meet certain conditions. Any additional Change Orders would have to come to Council. Councilmember Muller stated that it is useful to say that it needs to come back to Council unless there is additional cost. She was trying to get at the 10% of a contract of a certain size. Senior City Attorney Caput responded that the exceptional change order has a written determination by the Procurement Chief. It is like the emergency contract. He has witnessed only a few contracts that he is involved in. Councilmember Muller stated that a few times end up in Federal Court. When there is a huge contract, we are talking about a significant amount of money. She then asked the Committee to help her come up with a number. Senior City Attorney Caput responded that the concern is that you would send the more expensive contracts to Council for approval. Councilmember Muller stated that she is not sure if it needs to be in the hands of the Procurement Chief. Senior City Attorney Caput responded that there is a three part determination that lies with the User Agency, the Finance and Procurement Departments. Councilmember Muller stated that the name of the Section should be changed to Emergency. Councilmember Maddox stated that if you reach the 10% and you need to go over it and need Council's approval, it should be an emergency situation. Chairperson Shook asked if that would require prior approval. Councilmember Muller stated that it is already in the Code. She wants to change the Section to Emergency Modification. We should put a cap on the amount of the contract. If a contract is \$3 million dollars and the Change Order is \$300,000, anything over that should come back to Council. Senior City Attorney Caput responded that Section C is new. It was revised to address multi term contracts. Councilmember Muller stated that she is okay with Section A because the threshold should be \$300,000. Senior City Attorney Caput responded that he is aware that if it is 10% or less, it would not come to Council. The Water contract was a different situation than when they entered into the original contract. Councilmember Muller stated that we need some type of cap on it. CFO Davis responded that as it is written now, there is the emergency situation of when it does not have to come back to Council. There is a possibility which would always be in excess of the \$3 million dollars. The way it is currently written is about as tight as you would get. Councilmember Muller asked what if there were red flags. What can be done to add to the new language? Senior City Attorney Caput responded that he did not want to give any power that was non-legislative. He did not want to shut down the execution of a contract. Councilmember Muller offered a motion to change the title to "Emergency Contract Modification". Senior City Attorney Caput responded that it should read "Emergencies Resulting in Increased Cost; Contract Modification and Change Orders" in Section 2-1292. Chairperson Shook stated that he is haunted that we will run into a situation. Senior City Attorney Caput responded that the time in Section 2-1292 was a valid transaction.

It could be some serious costs to the City when a contractor is waiting to do the work. The Amendment vote is **5 Yeas**. Councilmember Moore offered a motion **to go back to the original amount, 1 Yea, 4 Nays**. It is clear that there is no support in the interest of her concerns. She is not going to waste her time to make any other changes. She is also disappointed that Council is part of this involvement. If you don't agree with a contract under the amount of \$300,000, nothing will be done about it. We are supposed to advocate on behalf of the citizens. She cannot understand why we are giving up our authority. The list we were provided is not conclusive of all of the changes that we made. She will take her concerns and issues to Full Council.

Mr. Adam Smith: Chief Procurement Officer addressed the Committee by stating that was one of the proposed items. This Committee decided not to make that change. He has provided a memo that supplements the list provided. Councilmember Muller asked where are the Evaluation Teams in the Procurement Code? Mr. Smith responded that it is in Section 2-1186 and Section 2-1189 on page #40. Councilmember Moore asked for a strike through document showing the changes in the Substitute. Mr. Smith responded that he would provide it. Page #35, Section 2-1185 talks about how to review proposals. It does not address the Evaluation Teams. It addresses what they will review. Section D describes certain criteria. Councilmember Muller asked if there was any language. Mr. Smith responded it is addressed in the Standard Operation Procedures (SOP), which are about two pages. Councilmember Muller stated that her concerns are the evaluation grades. Mr. Smith responded that we have reviewed the evaluation process and is modifying it. It is a process issue, not a Code issue. There were a number of recommendations made. We were concerned because there were too many scoring variations going on. The Auditor recommended that we narrow the large range of scoring. We suggested maybe a 1 to 5 point system.

Mr. Dave Walker: addressed the Committee by stating that he saw that the Mayor requested \$250 million dollars in the next Budget. It seems that we ought to be more diligent and see where we are going. He stated that he has changed his mind about the \$300,000 increase without Council's approval. It was difficult for him to come to this conclusion. Councilmember Moore stated that she offered a Substitute motion to Hold this paper because of other provisions in the Procurement Code. We do not fully understand all of the changes. She suggests that we Hold this because of the lack of time that it has come from the Departments. We will attempt to have another Work Session or Retreat and get a larger number of Councilmembers to attend. Councilmember Muller stated that there are discussions for the Mayor's speech of needing an additional \$250 million dollars more in the Budget to do what needs to be done. CFO Davis responded that there is no intent to find \$250 million dollars in the next Budget. The Mayor was saying that is what it would cost in spending for a best in class City. A large part was referencing that to mandated Pension increases and GASB 35. The \$250 million is a low estimate of what it would cost. It is us looking at the City and how we are providing services. This is also in order to provide for Capital needs on an ongoing basis creating available funds for the economic development initiatives the City might want to participate in. She also referenced other ways of finding the funds. She did not say there would be a tax increase. One way is collecting what is owed us already and asking the other Governments what their share is to run the City. The mandates are half of the \$250 million dollars. Councilmember Muller stated that we do need to look at other ways of generating revenues. Councilmember Maddox stated that he speaks against the motion to Hold. We have been dealing with this for some time now. Chairperson Shook stated that the meetings are not closed to other Councilmembers. Councilmember Moore stated that there is always an opportunity to view Legislation. Councilmembers do care about the major changes in this document. We have finally got to a final document. She will take up as much time on Tuesday as needed to get other Councilmembers to understand that they are giving up their authority. Chairperson Shook stated that the only change is the change in the Caption. Councilmember Moore stated that she is talking about the changes from the last Work Session. She then offered a motion to **Hold, 1 Yea, 4 Nays**. Councilmember Maddox offered a motion to **Approve on Substitute as Amended, 4 Yeas, 1 Nay**.

TO AMEND THE CODE OF THE CITY OF ATLANTA, GEORGIA

- 06-O-0787 (2) 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 (3) 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); (Finance/Executive Committee conditional passage says and/or, 1/10/07)**

FAVORABLE ON CONDITION

Chairperson Shook stated that it is the Procurement Department's intention to vote on this today. Mr. Smith responded that the official mode in the Code for advertising is on paper. Councilmember Moore asked if we could discuss the papers separately. Mr. Smith responded that this issue came up subsequent to the Procurement Code changes. Currently, we are required to advertise once a week for 14 days in a newspaper. It has been that way for 15 years and this is a tremendous expense to the City. We have looked to see how we could improve the process and determined that it is best to advertise on-line. We have based it on the cost. In 2003, the cost estimate was \$142,000, in 2004, it was \$235,000 and in 2005, the cost was \$307,000 and 2006 about \$100,000. The average cost was \$2030 for an ad. Over the course of 4 years, we spent around \$1 million dollars. The cost is a strain on the Departments. We are recommending that we modify the method to on-line. It will not be the exclusive method, but the official method. Chairperson Shook stated that the original Legislation did not swap on-line for written. How will you modify it? When would you print or go on-line. Mr. Smith responded that we would give the Department the option. There is no dollar amount determined for on-line versus print. It is largely on projects that are enormous in dollar amounts. Chairperson Shook asked what is the response from critics that say you are closing doors on smaller minority businesses? Mr. Smith responded that we have our bulletin board. Councilmember Maddox asked about using Channel 26. Mr. Smith responded that we have not yet inquired about that. Councilmember Maddox stated that most of them do have television and cable. What percentage of advertising went to minority newspapers? Mr. Smith responded that we used the Atlanta Daily World about \$43,000 in four years. We have used the Atlanta Voice and Atlanta Inquirer as well. Chairperson Shook asked if the Departments have surveyed the vendors to see what they prefer. Mr. Smith responded that we don't have numbers, but we did have a Vendor Expo and surveyed the interest level from the vendors regarding moving to more technology. Councilmember Moore asked about not being governed by the State Law. Mr. Smith responded that Aviation projects are federal related projects. The construction contracts, federal contracts have to be put in the newspaper as well as Transportation projects are required by State Law. Councilmember Moore stated that we are recommending that on-line notification be the official notification, but it does not seclude you from putting it in the newspaper. Why couldn't we leave it and have qualifying statements of what should be printed or on-line.

Mr. Smith responded that the Departments are looking for some flexibility. Councilmember Moore stated that it should say and/or. The way it is written it would swap the on-line for the newspaper. Councilmember Moore stated that \$1 million dollars in four years is not a significant amount. Chairperson Shook asked if it could be and/or. Most of the newspapers have on-line capabilities. Mr. Smith responded that the Atlanta Daily World does not have on-line capabilities. We have already made contact with those Agencies as well. Councilmember Moore stated that substituting an official notification that is well known is not good. Chairperson Shook offered a motion to **Approve on Condition to say and/or, 4 Yeas, 1 Abstention.**

TO AUTHORIZE THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION

06-R-1450 (4) 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 (5) 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 (6) 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 PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE SANDTOWN COMMUNITY TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA

06-O-1924 (7) An Ordinance by Councilmembers Howard Shook, Jim Maddox, H. Lamar Willis and Ceasar C. Mitchell to provide for the Annexation of Land known as the Sandtown Community to the Corporate Limits of the City of Atlanta; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Referred back by Full Council, 12/04/06); (Held, 12/13/06)**

HELD

TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS CASCADE GLENN TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA

06-O-1926 (8) An Ordinance by Councilmembers Howard Shook, Jim Maddox, H. Lamar Willis and Ceasar C. Mitchell to provide for the Annexation of Land known as Cascade Glenn to the Corporate Limits of the City of Atlanta; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Referred back by Full Council, 12/04/06); (Held, 12/13/06)**

HELD

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

06-O-2250 (9) 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 REQUEST THAT THE MAYOR AND THE ATLANTA CITY COUNCIL DISCONTINUE THE ANNUAL REQUEST

06-R-2473 (10) 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, 11/15/06)**

HELD

TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO ASSESS CREDIT CARD AND ON-LINE PAYMENT USERS A CONVENIENCE FEE IN THE AMOUNT OF FOUR DOLLARS AND FIFTY CENTS (\$4.50)

06-O-2600 (11) An Ordinance by Finance/Executive Committee Authorizing the Chief Financial Officer to assess credit card and on-line payment users a convenience fee in the amount of four dollars and fifty cents (\$4.50) for payment of associated ser fees and a convenience fee in the amount of 2.5% for taxes to recover the cost the City pays to third-party vendors to process such payments; collected funds will be deposited into the following Fund Account Center Numbers: 1A01 (General Fund) 641307 (Credit Card) B00001 (Convenience Fee), 2J01 (Water and

Wastewater) 641307 (Credit Card) B00001 (Convenience Fee), and 1B05 (Traffic Court) 641307 (Credit Card) B00001 (Convenience Fee); and for other purposes. **(Held for Public Hearing, 12/13/06)**

HELD

TO AUTHORIZE THE MAYOR TO EXECUTE AMENDMENT AGREEMENT NO. 1 WITH JOHNSON CONTROLS, INC. FOR FC-6005007980

06-R-2640 (12) A Resolution by City Utilities Committee Authorizing the Mayor to execute Amendment Agreement No. 1 with Johnson Controls, Inc. for FC-6005007980, Security Cameras – Repair and Replacement Services, adding labor rates and additional funding, on behalf of the Department of Watershed Management, in an amount not to exceed three hundred sixty seven thousand dollars and no cents (\$367,000.00); all contracted work will be Charged To and Paid From Fund, Account and Center Number 2J21 (Water & Wastewater Renewal & Extension) 574001 (Facilities Other Than Buildings) Q12T07419999 (Water Security Surcharge); and for other purposes. **(Held, 12/13/06)**

HELD

TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CREATING A NEW CHAPTER 114, PERSONNEL

06-O-2700 (13) An Ordinance by Councilmember Howard Shook to Amend the Code of Ordinances, City of Atlanta, Georgia, creating a new Chapter 114, Personnel; and for other purposes. **(Held for Work Session, 12/13/06)**

HELD

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

06-O-2701 (14) An Ordinance by Councilmember C.T. Martin to Amend Section 2-183 of the Code of Ordinances of the City of Atlanta, Georgia by adding a Subsection “(b)” which shall provide that all open records requests which are forwarded to any Department, Bureau, Division, Office, or Unit of City Government, shall, within forty eight (48) hours of the receipt thereof, be forwarded to the President and all members of Council via the Municipal Clerk, and any and all responses to any such open records requests, shall also be provided to the President and all members of Council via the Municipal Clerk, within forty eight (48) hours after the response is made; to waive conflicting Ordinances; and for other purposes. **(Held, 12/13/06)**

HELD

ITEMS NOT ON AGENDA

Councilmember Moore stated that any additional items to the Council Priority List should be included at the end of the list. It should be circulated and given a deadline. Chairperson Shook stated that a draft could be made available for Tuesday and given them the opportunity to add or delete information to the list. It would go to the Mayor without the names of the Councilmembers. Councilmember Moore stated that once it is Adopted, it is part of Council’s recommendations. Chairperson Shook stated that we

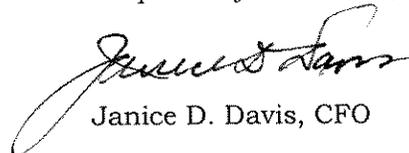
would do a Memo today. We need to reference the Legislation that we pass for the transmittal request.

Mr. Carey Duncan: addressed the Committee by stating that he read the Mayor's statement. How do we get there? We see water and sewer rates at an astronomical rate. Fulton County has laid workers off and saved a significant amount of money. He then asked the Committee what was the current number of employees prior to Mayor Franklin taking Office. The property taxes, appraisals and tax digest are incorrect. They are valuable to the extent that a hospital is built on an ally. He feels strongly about this. The low and moderate income people will not be able to live in this City soon. You can't blame the Fulton County Tax Assessors for the problems because they have been given the information from the City. The property assessments are wrong. Fulton County is correcting it this year. Maybe it will require a lawsuit that he would gladly pay for. We all know that it is improper not to allow a citizen to speak at the Council meeting. Councilmember Moore asked about the \$250 million dollars that the Mayor has asked for. She did not give an answer of whether there will be a tax increase or not. Councilmember Muller stated that is why she asked the CFO. CFO Davis responded that it is not part of our planning for the Budget. Councilmember Moore asked if you are looking at a roll back this year. CFO Davis responded that we have not gotten that far along yet. Councilmember Moore stated that every year the Committee asks for the information regarding the number of employees. We have more employees now than in 2002. She then asked Mr. Pridgeon about the items in our Legislative Package regarding Milton County being dropped. They have asked for a Feasibility Study and what the impact will be. Mr. Pridgeon responded that we did take that request seriously. We do have an analysis, but is not quite completed. We have talked about it with the Mayor. Councilmember Moore asked if you are looking at anything North of the City of Atlanta. Mr. Pridgeon responded that we are looking at the Legislation, but we have not determined if we are ready to see Buckhead leave. The Feasibility Study we are doing is the impact of Fulton County such as Grady and Marta. We will present it to the Delegation and this Committee in a week or so. Chairperson Shook asked if something was dropped. Mr. Pridgeon responded that Milton County was introduced last year. We are trying to address the rumors. We look forward to the discussions with the Capitol and hope to reach a consensus. Councilmember Moore stated that we need to make some sort of statement. We may need to do a Resolution that we are not in support of it and need to pass it on the Council Floor. Mr. Pridgeon responded that we are on the same page. It is a matter we are approaching along with the Committee. Councilmember Moore stated that she could take that lead. Mr. Pridgeon responded that by Friday around noon he will know if it is in final form or not. Chairperson Shook stated that a template would be similar to what the Administration and Council said of other entities. We are against it because of the financial harm or hardship to the City. Councilmember Moore stated that she is saying that she is not in support of it.

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,



Janice D. Davis, CFO

Charlene Parker
Recording Secretary