

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, May 16, 2007 at 1:00 p.m. in Committee Room #2, City Hall South, 2nd Floor.

Present: Councilmember Howard Shook, Chair Janice D. Davis, CFO
Councilmember Cleta Winslow Departmental Staff
Councilmember Kwanza Hall
Councilmember Felicia A. Moore
Councilmember Clair Muller
Councilmember Jim Maddox

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

The Agenda was adopted as printed with the addition of one new First Read Ordinance and one new Resolution. Minutes of the May 2, 2007 Regular Finance/Executive Committee were also adopted.

CONSENT AGENDA

TO REAPPOINT CAROLE DORTCH TO THE CIVIL SERVICE BOARD

07-C-0882 (1) A Communication by Mayor Shirley Franklin reappointing Carole Dortch to the Civil Service Board for a term of three (3) years upon Council confirmation.

FAVORABLE

Ms. Carol Dortch: addressed the Committee by stating that she is acting in an unfulfilled term with the Civil Service Board. Chairperson Shook thanked her for her willingness to serve. Councilmember Muller offered a motion to **Approve, 5 Yeas.** Chairperson Shook stated that this will go to the Committee on Council.

TO CORRECT THE CENTER NUMBER IN ORDINANCE NUMBER 06-O-1617

07-O-0961 (1) An Ordinance by Finance/Executive Committee to correct the Center Number in Ordinance Number 06-O-1617 Adopted by the Atlanta City Council on September 5, 2006 and Approved by the Mayor on September 13, 2006; and for other purposes.

FAVORABLE ON FIRST READ

REGULAR AGENDA

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA

07-O-0679 (1) An Ordinance by Councilmembers Felicia A. Moore, Cleta Winslow, Howard Shook, Carla Smith, Clair Muller, Ivory Lee Young, Jr. and Jim Maddox as amended by Finance/Executive Committee to amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the authority of the 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. 469 et seq., by amending Article 3, Chapter 1 Section 3-104 (14) so as to adjust the effective date of Ordinance 06O0380, which implements changes to Article 3,

Chapter 1, Section 3-104 (14); and Article 6, Chapter 4, Section 6-402 of the City Charter; and for other purposes. (2nd Reading, 1st Adoption) **(Favorable as Amended - 2nd Reading, 1st Adoption); (Referred back by Full Council, 5/7/07)**

FAVORABLE ON 3RD READING, FINAL ADOPTION

Councilmember Winslow asked what date are we looking at. Councilmember Moore responded September 2008. If it takes longer, we could Amend the Code again.

Mr. Greg Pridgeon: Mayor's Office Chief of Staff addressed the Committee by stating that we are disappointed that the ERP was not ready quicker. Even without the ERP, we thought that we would move more efficiently with the contracts. Part of the Code has been implemented. We have seen a degree of efficiency. Councilmember Moore stated that the intent was not to stop anything. The limitations are in here. CFO Davis added that Ms. Ward is governed by the Yellow Book. Councilmember Moore stated that the Audit Committee is not micromanaging the work. If she misuses her authority, we should be notified. Why are you just now asking questions? When Council puts in Legislation, you tend to ask questions at the tail end. You should have come to the Finance/Executive Committee Briefing to discuss it further. Mr. Pridgeon responded that this is the last part of the discussion. He is asking questions on behalf of the Administration. Councilmember Winslow asked why would she need to attend a meeting to do an Audit, such as an APAB meeting.

Ms. Leslie Ward: City Internal Auditor addressed the Committee by stating that an APAB meeting is a public meeting. It could come up in an inquiry of auditing a project or capital projects. It is useful to attend Committee meetings to understand decisions that were made or what to bring to the Board. We could be auditing the effectiveness of the program. We can sit in and make recommendations, but we do not participate. Councilmember Moore offered a motion to **Approve on 3rd Reading, Final Adoption, 6 Yeas.**

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA

07-O-0680 (2)

An Ordinance by Councilmember Howard Shook, Felicia A. Moore, Carla Smith, Cleta Winslow, Clair Muller, Jim Maddox and Ivory Lee Young, Jr. as substituted by Finance/Executive Committee to amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the authority of the 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 2, Chapter 6, Section 2-605 so as to allow the City Internal Auditor to effectively and independently conduct Performance and Financial Audits of all Departments, Offices, Boards, Activities and Agencies of the City; and for other purposes. (2nd Reading, 1st Adoption) **(Favorable on Substitute - 2nd Reading, 1st Adoption); (Referred back by Full Council, 5/7/07)**

FAVORABLE ON 3RD READING, FINAL ADOPTION

Councilmember Moore offered a motion to **Approve on 3rd Reading, Final Adoption, 6**

Yeas.

TO AUTHORIZE THE MAYOR AND THE CHIEF FINANCIAL OFFICER TO OVERSEE AND SUPERVISE THE CLOSING OF OLD GRANTS

07-O-0711 (3) A **Substitute** Ordinance by Finance/Executive Committee Authorizing the Mayor and the Chief Financial Officer to oversee and supervise the closing of Old Grants, Trust and Project balances and to make the necessary entries to close out any balances that have been determined, tested and classified as old (No activities since 2003), so that said balances are not brought forward in the Oracle Financial System; and for other purposes. **(Finance/Executive Committee Substitute acknowledges that there is a \$1.5 million cost associated, 5/16/07)**

FAVORABLE ON SUBSTITUTE

CFO Davis stated that this closes out old Grant Funds dating back to 1991 that had negative balances. We will not be reimbursed because there are no activities with them after 2003. Councilmember Moore asked for the list. CFO Davis responded that these are grantor agencies. These are where we spent the money and know we won't be reimbursed. We are writing these off the books. Councilmember Winslow offered a motion to **Approve, 6 Yeas**. Chairperson Shook asked why 2003 on. CFO Davis responded that we will cleanse from 2003 to 2006. The Substitute acknowledges that there is a \$1.5 million associated cost.

TO AMEND CHAPTER 2, ARTICLE VI, DIVISION 2, SUBDIVISION 1

07-O-0712 (4) An Ordinance by Finance/Executive to Amend Chapter 2, Article VI, Division 2, Subdivision I, Section 2-322, and Subdivision III, Sections 2-370, 2-371, 2-372, 2-373, 2-374, and 2-375 of the Code of Ordinances of the City of Atlanta; to add Sections 2-376, 2-377, and 2-378, so as to effectuate a reorganization of the City of Atlanta Department of Finance; to repeal conflicting Ordinances; and for other purposes.

FAVORABLE

CFO Davis stated that this puts into the Code the format of change management and the organization we are operating under by Oracle. It puts the Office of Municipal Finance and the Treasury Office together. Councilmember Maddox offered a motion to **Approve, 6 Yeas**.

TO AMEND ARTICLE "V", CLASSIFICATION PLAN, SECTION 114-477, OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA

07-O-0713 (5) A **Substitute** Ordinance by Finance/Executive Committee to Amend the Classification Plan of the Code of Ordinances, City of Atlanta, Georgia by creating certain classifications for the 911 Emergency Call Center; and for other purposes. **(Finance/Executive Committee Substitute changes the caption to reflect the Personnel Code, 5/16/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook said that we have a Substitute that changes the caption to reflect the Personnel Code.

Mr. Dave Edwards: Mayor's Office Program Manager addressed the Committee by stating that this paper adds three new classifications. Page #2 is restating the project goals and objectives and talks about the organizational plan. In the back of the information handed out there is more referenced information. There are five major

goals. A new facility, improve efficiency, new technology, improve environment and adding chief operations. Page #4 is the three new work structures. Under Facility we have identified the space and finalized the lease. We just completed the technology phase. Councilmember Maddox asked if you will be separated from the Public Safety Facility. Mr. Edwards yes, we don't want all of your assets in the same building if one collapses. Page #5 is the existing Call Center location. Page #6 is the proposed new organization. We are creating a 911 Manager position and a Quality Service Specialist. They will monitor operators on call. Councilmember Maddox asked if this means that the new organization would make it more efficient. Mr. Edwards responded yes, by adding these new positions. Councilmember Maddox stated that all calls should not come to 911 anyway. Mr. Edwards responded that about 40% are not emergencies. Many of the calls are where people are trying to reach a City Department. Councilmember Moore stated that at Community NPU meetings they are told by Police Officers to call 911. Citizens would love to be able to call a Precinct. Councilmember Maddox stated that there is miscommunication with the Police. Chairperson Shook added that the last thing that citizens want to do is tie up 911. There has to be better communication. Councilmember Moore asked about the third Whereas Clause, it states that sworn personnel is supposed to be replaced. Mr. Edwards responded that it is custom to civilianize 911 Call Centers. Councilmember Moore asked how many sworn personnel will be affected. Mr. Edwards responded six or less. Councilmember Moore asked about the Quality Service Specialist position. Mr. Edwards responded that this person will listen in on calls. Councilmember Maddox asked if someone calls 911 and it is not an emergency, are they directed to call another number. Mr. Edwards responded that he is not aware. Councilmember Maddox stated that it is their obligation to assist the people in any way they can.

TO AMEND THE 2007 (CAPITAL FINANCE FUND) BUDGET

07-O-0714 (6) An Ordinance by Finance/Executive Committee Amending the 2007 (Capital Finance Fund) Budget, Department of Finance, by adding to Anticipations and Appropriations in the amount of eight million four thousand eight hundred twenty three dollars and seventy four cents (\$8,004,823.74) to cover costs related to the Enterprise Resource Planning Project; and for other purposes.

FAVORABLE

Chairperson Shook stated that this puts the money in place to pay invoices that GEMA has approved. CFO Davis responded that we submitted the invoices that go back from July 2006 to March 2007. They have given us approval for the \$8 million dollars. Councilmember Moore offered a motion to **Approve, 6 Yeas**.

TO AUTHORIZE AUTOMOBILE EXPENSE REIMBURSEMENT

07-O-0715 (7) An Ordinance by Finance/Executive Committee Authorizing automobile expense reimbursement for the position numbers listed herein in the Department of Law, to be charged to and paid from Fund, Account, and Center numbers 1A01(General Fund) 527005(Auto Allowance) H11001 (City Attorney); and for other purposes.

FILE

Councilmember Muller offered a motion to **File, 5 Yeas**.

TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE FISCAL YEAR 2007 BUDGET

07-O-0716 (8) An Ordinance by Finance/Executive Committee Authorizing the Chief Financial Officer to amend the Fiscal Year 2007 Budget, on

behalf of the Department of Aviation, by transferring Appropriations in the amount of \$45,234,285.09 from 2H26(Airport Passenger Facility Charge Fund) 791001 (Reserve for Appropriation) T11001 (Reservation of Fund Appropriations) to 2H26 (Airport Passenger Facility Charge Fund) 781001(Sinking Fund Requirements) T65015 (Airport PFC Bond Series 2004A-E June 204) and 2H26(Airport passenger Facility Charge Fund) 781001 (sinking fund Requirements) T65016 (Airport PFC Bond Series 2004F-K Nov 2004); and \$18,527, 373.23 from 2H34 (CONRAC Customer Service FAC Charge Fund)791001(Reserve for Appropriation) T11001 (Reservation of Fund Appropriations) to 2H34 (CONRAC Customer Service FAC Charge Fund) 781001(Sinking Fund Requirements) T65001(Debt Service Administration); and \$27,234,730.21 from 2H32(2004 Airport Revenue Bond Fund: F,G,I) 791001 (Reserve for Appropriation) T11001 (Reservation of Fund Appropriations) to 2H32 (2004 Airport Revenue Bond Fund: F,G,I) 786006 (Capitalized Interest) T65019 (Airport 2004 Cap I Issued: Series 2000 Bonds); and \$3,248,413.00 from 2H32(2004 Airport Revenue Bond Fund: F,G,I) 786006(Capitalized Interest) T65012 (Airport Bond Series 2004) to 2H32 (2004Airport Revenue Bond Fund):F,G,I) 791001 (Reserve for Appropriation) T11011 (Reservation of Fund Appropriations) for Debt Service Payments; and for other purposes.

FAVORABLE

Chairperson Shook stated that this has been the discussion of a Work Session. Councilmember Moore asked about the last Whereas Clause (the Department transferring funds for Debt Service). Why weren't they placed in the appropriate fund?

Mr. Robert Jackman: of the Office of Budget and Fiscal Policy addressed the Committee by stating that the funds were mistakenly misplaced. It was an error on our part. Councilmember Moore stated that she is still trying to understand if this is the correct account. When was the mistake made? Mr. Jackman responded that we noticed the error in the end of 2006. CFO Davis added that this new account is where we are paying the Debt Service from. It was appropriated into the Reserves instead of the Debt Service Sinking Fund. Councilmember Hall offered a motion to **Approve, 4 Yeas.**

TO AUTHORIZE AUTOMOBILE EXPENSE REIMBURSEMENT

07-O-0717 (9) An Ordinance by Finance/Executive Committee Authorizing automobile expense reimbursement for various positions within the Department of Parks, Recreation, and Cultural Affairs; and for other purposes.

FILE

Chairperson Shook stated that we have a Substitute that corrects the Fund, Account and Center Number and Fund Name. Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas.**

Ms. Diane Harnell-Cohen: Commissioner of the Department of Parks, Recreation and Cultural Affairs addressed the Committee by stating that this is for seven positions. It is accurate because we have been told that we can authorize to spend the money, but she wanted to be sure. CFO Davis added that this is already in the Code and this paper can be Filed.

Ms. Sherry Dickerson: of the Department of Human Resources addressed the Committee by stating that there is a Section in the Code that addresses Automobile Reimbursement, so it can be Filed. She has talked with the Law Department and they agreed. Historically we have always done it that way.

Ms. Serena Sparks: Senior City Attorney addressed the Committee by stating that we looked at the Code Section and it says that employees can be reimbursed without going through the Legislative Process. Mr. Pridgeon stated that it can be Filed. We are trying to have all of the various Departments in agreement. We apologize for the misconception. The motion is to **File, 5 Yeas.**

TO AUTHORIZE THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS IN ARTICLE X

07-O-0718 (10) An Ordinance by Finance/Executive Committee Authorizing the City of Atlanta to waive the Competitive Procurement provisions in Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances, for a period of sixty days to obtain continued services from Ginarc Construction, Inc., for FC-3005007899, East Wesley Road Streetscape Project, on behalf of the Department of Public Works, with no additional funding required; and for other purposes.

FAVORABLE

Chairperson Shook stated that the City has hired this company and the project had stopped. He offered a motion to **Approve, 5 Yeas.**

TO AUTHORIZE THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT

07-O-0758 (11) A **Substitute** Ordinance by Finance/Executive Committee Authorizing the Mayor to enter into an Intergovernmental Agreement by and between the Atlanta Housing Authority and the City of Atlanta, on behalf of the Department of Public Works, for the purpose of providing funding for Public Infrastructure Improvement Projects; Transferring Appropriations in the amount of one million one hundred seventeen thousand three hundred sixty-three dollars and seventy cents (\$1,117,363.70) to fund a portion of said Public Improvements; and for other purposes. **(Finance/Executive Committee Substitute reduces the amount of money from \$1,217,363.70 to \$1,117,363.70 and reduces the projects from seven to five, 5/16/07)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute.

Ms. Michele Winn: of the Department of Public Works addressed the Committee by stating that the Substitute reduces the amount of money and reduces the projects from seven to five. The areas of Magnolia and East Lake were removed. We realized that they were included in the previous Agreement. Councilmember Moore asked about the money allocated. Councilmember Winslow offered a motion to **Approve on Substitute as Amended, 4 Yeas.**

TO AUTHORIZE THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT

07-O-0766 (12) A **Substitute** Ordinance by Finance/Executive Committee Authorizing the Mayor to enter into an Intergovernmental

Agreement by and between the Housing Authority of the City of Atlanta, Georgia ("Authority") and the City of Atlanta pertaining to the performance of certain Public Improvements by the Authority for the benefit of the City of Atlanta; and for other purposes. **(Finance/Executive Committee Substitute changes the Caption from execute to enter into, 5/16/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute.

Mr. Joe Batista: Deputy Commissioner of the Department of Watershed addressed the Committee by stating that this is an IGA with AHA. The Substitute changes the caption from execute to enter into. Councilmember Moore offered a motion to **Approve on Substitute, 4 Yeas.**

TO ADOPT THE FY 2008 PROPOSED BUDGET

07-O-0870 (13) An Ordinance by Finance/Executive Committee Adopting the FY 2008 Proposed Budget.

HELD

TO AMEND SECTION 146-26 (B), (C), (D), (E) AND (F) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA

07-O-0871 (14) An Ordinance by Finance/Executive Committee to Amend Section 146-26 (b), (c), (d), (e) and (f) of the Code of Ordinances of the City of Atlanta, so as to change the Ad Valorem Tax Rate of Real and Personal Property for the General Levy, Debt Levy, City Parks Levy, School Operating Levy, School Debt Levy and the Special Tax District Levy; to provide that the Tax Rates established herein shall remain fixed each year until Amended or Repealed; and for other purposes.

HELD

Chairperson Shook asked when will we get the figures. This paper will be Held.

Mr. Chuck Meadows: Chief of Budget and Fiscal Policy addressed the Committee by stating that we do not have them yet.

TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE ORKNEY/LANARK DRIVE COMMUNITY

07-O-0968 (15) An Ordinance by Councilmember Jim Maddox to provide for the Annexation of land known as the Orkney/Lanark Drive 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

Chairperson Shook stated that these are Annexations in District 10.

TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS THE HUNTINGTON COMMUNITY (POMPEY DRIVE/OLD FAIRBURN ROAD)

07-O-0969 (16) An Ordinance by Councilmember Jim Maddox to provide for the Annexation of land known as the Huntington Community

(Pompey Drive/Old Fairburn Road) 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 asked if the Governor had until 5:00 p.m. today to sign the advertisement.

Ms. Megan Middleton: Mayor's Office Intergovernmental Affairs Manager addressed the Committee by stating that she has not heard yet.

TO CORRECT ORDINANCE NUMBER 07-O-0248

07-O-0972 (17) An Ordinance by Councilmember Felicia A. Moore **as Substituted by Finance/Executive Committee (1), 5/16/07** to correct Ordinance Number 07-O-0248 adopted by the Atlanta City Council on February 19, 2007, and approved pursuant to Section 2-403 of the Charter of the City of Atlanta on February 28, 2007; and for other purposes. **(Finance/Executive Committee Substitute corrects the Fund, Account and Center Number, 5/16/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute to correct the Fund, Account and Center Number. Councilmember Moore stated that it adds language and allows the Chief Operating Officer to expend the funds. Chairperson Shook offered a motion to **Approve on Substitute, 4 Years.**

TO TRANSFER SPECIFIED APPROPRIATIONS, EXPENSES, ENCUMBERANCES, AND COMMITMENTS FROM PROJECT CENTERS

07-O-0973 (18) An Ordinance by Councilmembers Cleta Winslow and Howard Shook **as Substituted by Finance/Executive Committee (1), 5/16/07** to transfer specified appropriations, expenses, encumbrances, and commitments from Project Centers associated with the Public Safety and Judicial Facilities Project to Account 773002 (Construction in Progress) for each Project Center; and for other purposes. **(Finance/Executive Committee Substitute corrects the Fund, Account and Center Number, 5/16/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook said that we have a Substitute that corrects the Fund, Account and Center Number. We are consolidating and putting them in the correct account. Mr. Meadows responded that it should go in the Construction and Progress Account. Councilmember Moore offered a motion to **Approve on Substitute, 5 Years.**

TO AMEND ARTICLE V, CLASSIFICATION PLAN, SECTION 114-477

07-O-0974 (19) An Ordinance by Councilmember C.T. Martin **as Substituted by Finance/Executive Committee (1), 5/16/07** to Amend Article V. Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to create two hundred fifteen (215) positions in the Atlanta Police Department; and for other purposes. **(Finance/Executive Committee Substitute removes Section 114-47 out of the Caption, 5/16/07)**

HELD AND SUBSTITUTED

Councilmember Moore asked if these are in addition to the ones that are already in the Budget. She wants a better understanding of the vacant positions in the Police Department and the names of them. Mr. Meadows responded that there are three classes that are underway right now. They will fill the 87 positions by the summer. Chairperson Shook stated that the Substitute removes Section 114-47 out of the Caption.

TO REQUEST AND AUTHORIZE THE CITY AUDITOR THROUGH THE AUDIT COMMITTEE TO CONDUCT AN INDEPENDENT AUDIT OF THE DEPARTMENT OF AVIATION CONSOLIDATED RENTAL CAR FACILITY PROJECT (CONRAC)

07-O-0976 (20) An Ordinance by Councilmember Felicia A. Moore **as Amended by Finance/Executive Committee (1), 5/16/07** to request and authorize the City Auditor through the Audit Committee to conduct an Independent Audit of the Department of Aviation Consolidated Rental Car Facility Project (CONRAC); and for other purposes. **(Finance/Executive Committee Amendment states that the Procurement Chief works with the Internal Auditor to procure on an emergency and expedited basis a contract with out persons and/or firms with expertise in aviation construction management and evaluation to assist and under the direction of the City's Internal Auditor of the CONRAC Project and Section 4, the procurement requirements set forth in the City's Charter and Code of Ordinances including, but not limited to those in the Procurement and Real Estate Code are waived, 5/16/07)**

FAVORABLE AS AMENDED

Mr. Ben DeCosta: General Manager of the Department of Aviation addressed the Committee by stating that because of the issues we had with the contract, Councilmember Moore requested an Audit. She will meet with us to work out the scope of work and will meet with the Procurement Officer for additional help to do the Audit. Chairperson Shook asked if it has been confirmed as an Emergency Procurement. Councilmember Moore stated that Council made the assessment for an emergency as with the ERP. It meets the criteria as an emergency because of the processes we do with the Airport. Chairperson Shook asked if there are any legal issues to do it. Mr. DeCosta responded that the Council can waive the Code provision and allow Councilmember Moore to negotiate something with a company. Councilmember Muller asked if it is okay as it is written.

Mr. Robert Caput: Senior City Attorney addressed the Committee by stating that Council could not do an emergency, but could waive the requirements in the Procurement Code to do the same thing. Councilmember Moore stated that she wants to see it in the Code where it can not be done as an emergency. She has a problem with someone having an opinion on something when they have not looked at it. Councilmember Muller offered a motion to Approve, but she wants to know if it needs to be Amended first. Senior City Attorney Caput stated that it cannot move forward as it is drafted. Councilmember Muller asked the Chair to give Mr. Caput ten minutes to prepare an Amendment. Councilmember Moore stated she does not care if it is Amended as long as it gets what she wants done. She went to the Finance/Executive Briefing to see if there were issues. She is objecting because she had a discussion with the parties earlier and there's a problem with this paper. It is not efficient if you haven't read something and make an assessment. When the Executive Branch wants something, it is rushed. Somebody is not reading the legislation. Mr. Pridgeon responded that we understand your guidance. If the Audit Committee accepts it, then Procurement will start the action to guide Ms. Ward to do the services. Councilmember Moore asked what was the response from the Audit Committee regarding ERP? Mr.

Pridgeon responded that we want to follow your directions. Councilmember Moore stated that the Audit Committee reviews and finalizes the reports. Mr. Pridgeon responded that the Audit Committee could say no to this request. We want to present a strong case. We cannot direct the Auditor to do it. Councilmember Moore stated that it will be done by an outside company. Senior City Attorney Caput gave the revision. Section 2 second page states that the Procurement Chief will work with the City Internal Auditor, add after that to procure on an emergency and expedited basis, delete up to the word contract on the second line. The Procurement Chief works with the Internal Auditor to procure on an emergency and expedited basis a contract with persons and/or firms with expertise in aviation construction management and evaluation to assist and under the direction of the City's Internal Auditor of the CONRAC Project and Section 4, the procurement requirements set forth in the City's Charter and Code of Ordinances including, but not limited to those in the Procurement and Real Estate Code are waived. Councilmember Muller offered a motion to **Approve the Amendment, 6 Years**. Councilmember Moore offered a motion to **Approve as Amended, 6 Years**. She then read from the Code regarding Audits in Section 2-608 of the Code.

TO AMEND SECTION 6-37 (P) OF THE CITY OF ATLANTA'S CODE OF ORDINANCES

07-O-0977 (21) An Ordinance by Councilmember Kwanza Hall to Amend Section 6-37 (p) of the City of Atlanta's Code of Ordinances in order to provide the Eligibility Requirements for members of the General Employees' Pension Fund to purchase prior service credit with sources of funds; to include contributions into any Deferred Contribution Retirement Account; and for other purposes.

FAVORABLE ON SUBSTITUTE

Mr. Alfred Berry: President of the General Employees Pension Fund addressed the Committee by stating that this paper allows people from the 1962 and 1964 Pension Plans to take money from their salary over a 10 year period instead of paying a lump sum. Chairperson Shook asked about the risk of pursuing this. Ms. Middleton responded that the State talks to the issue of large Pension Funds. Councilmember Hall stated that large funds are considered over a billion dollars. We are not at that point right now. Ms. Middleton responded that we are working to see what the best policy is for the City. Chairperson Shook stated that he would like to have discussions and pay attention to moving forward. The Substitute says Defined and should say Deferred. Chairperson Shook offered a motion to **Approve on Substitute 6 Years**.

TO AMEND CHAPTER 110, ARTICLE 1, SECTION 110-3 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA

07-O-0983 (22) An Ordinance by Councilmembers Kwanza Hall and Jim Maddox Amending Chapter 110, Article 1, Section 110-3 of the Code of Ordinances of the City of Atlanta, Georgia which sets forth the Fee Schedule for City of Atlanta's Recreation Centers, by adding a new Subsection 110-3 (a) (9), entitled "Neighborhood Service Centers Room Rental Fees", for purpose of creating a room rental fee schedule for Georgia Hill, John C. Birdine, and Dunbar Neighborhood Service Centers administered by the Department of Parks, Recreation, and Cultural Affairs; to create a refundable room deposit fee; to establish that half of all funds generated by such fees shall be deposited into Fund Account Number: 1A01 (General Fund) 462201 (Building Rental) B00001 (Revenue Center), and that half of the Funds generated by such fees shall be deposited into 3P02 (Trust Fund) 462201 (Deposits Building Rental) N13W02119999 (Georgia Hill Neighborhood Center); 3P02 (Trust fund) 462201 (Deposits Building Rental) N13W02129999 (John C. Birdine Center); and 3P02 (Trust Fund) 462201

(Deposits building Rental) N13W02789999 (Dunbar Neighborhood Center); all revenues generated by the Refundable Room Deposit Fee at each Neighborhood Service Center shall be deposited into 1A01 (General Fund) 462201 (Building Rental) B00001 (Revenue Center) and expended from 1A01 (General Fund) 529010 (Refunds) T31001 (Unallocated Fund-Wide Expenses); and for other purposes.

HELD FOR PUBLIC HEARING

TO AUTHORIZE THE MAYOR TO EXECUTE CHANGE ORDER #1 FOR FC-9694-04 WITH ARCHER WESTERN CONTRACTORS, LTD

07-O-0984 (23) An Ordinance by Councilmembers Howard Shook and Ceasar C. Mitchell **as Substituted by Finance/Executive Committee (1), 5/16/07** Authorizing the Mayor to execute Change Order #1 with Archer Western Contractors, Ltd./Capital Contracting Company, Inc., a Joint Venture, to Contract No. for FC-7692-04; CONRAC Automated People Mover System, Design, Building, and Installation, on behalf of the Department of Aviation, in an amount not to exceed \$29,500,000, to be Charged To and Paid From the following Fund, Account and Center Numbers: 2H21 (Renewal and Extension Fund) 574001 (FAC Other Than Buildings) R21E01039999 (AGTS Expansion,) \$8,000,000; 2H33 (2004 Airport PFC Bond Fund F-K) 574001 (FAC Other Than Buildings) R21E013593CR (CONRAC APM) \$19,000,000; 2H33 (2004 Airport PFC Bond Fund F-K) 574001 (FAC Other Than Buildings) R21E605393CR (CONRAC APM) \$2,500,000; (ii) waiving conflicting Ordinances to this transaction, including, but not limited to, the application of Chapter 2: Article X of the City of Atlanta's Code of Ordinances; and (iii) for other purposes. **(Finance/Executive Committee Substitute add the Fund, Account and Center Numbers and the Account Names, 5/16/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. Councilmember Muller stated that when we had the Work Session we were talking about \$40 million dollars. Mr. DeCosta responded that there were three distinct issues. 1st is the estimate from CM At Risk, which we were above. Secondly, the risk portion of the work was delayed. Thirdly, the CONRAC was divided into two major projects, the people mover and the parking decks and stations. We recommend an Ordinance to transfer part of the scope of work to Archer Western. By doing that, it will eliminate major claims between the contractors. On page #5, there is a view of the site and the next page is another view of the site. We know that it will cause some delays. We are now looking for a solution by transferring the work from one contractor to another. It will save time and money. We won't know what to do with the estimates at this time. We have received some bids. We are not talking about the Budget, but the litigations that will arise between the two contractors. Councilmember Muller asked if you are proposing to move the work from CM At Risk to Archer Western. Mr. DeCosta responded yes. Councilmember Muller asked if there are already claims. Mr. DeCosta responded that we expect it will be around \$900,000 to \$1 million dollars per month for the delays. Councilmember Muller stated that this is the second time that we had CM At Risk to come in with a different amount. How much will still be with CM at Risk. Mr. DeCosta responded that the Design Contract is \$170 million dollars CMR is \$235 million dollars and may go up based on the market. Councilmember Muller stated that she has questions about claims and delays. Mr. DeCosta responded that this paper is litigating the delays that may happen. Councilmember Moore commented that it does not take a blind person to see what is going on. We changed the Code from Council's oversight. Now we come to

a paper to do a Change Order of \$29.5 million dollars. We have already increased the Budget by \$24.5 million dollars. Now we are asking for an increased amount and may have increases in the future. She has heard all of the discussions. This is why she is asking for an Audit. There is nothing in the Legislation to stop what you want to do. When the paper comes before Council, we could say that we do not want you to move forward with this. She asks that we Hold the paper. We at least need to get some results from this. What is the time frame it will take to do the Audit? The Audit could take from two to three months. She hopes that we find out something to help us in our decision making. Mr. DeCosta responded that when he talked to Councilmember Moore, he was not referring to this paper. When all of the bids come in, it would not be what we originally thought. So far the bids are 10% to 15% over the market cost. The people still be working instead of stopping work to wait on the Audit. The Change Order will give us an opportunity to keep the project going. Councilmember Moore asked if you are transferring money already allocated. Mr. DeCosta responded that this is part of the \$235 million dollars. When we get the bids, we will know how much more we will need. The scope of the Archer Western contract is being reviewed. Councilmember Moore asked how much additional will there be.

Mr. Franklin Rucker: of the Department of Aviation addressed the Committee by stating that it is to be completed around July 31st. CMR will then be taken out for bid. The scope of work was for CMR to construct the CPT station. Councilmember Hall asked if it is above the original amount. Mr. DeCosta responded the original amount is around \$24.5 million dollars and the additional change is around \$27 million dollars. Councilmember Hall asked if it is prudent to move forward on this when we are doing an audit.

Ms. Leslie Ward: Internal City Auditor addressed the Committee by stating that she does not know the specifics of the situation with CONRAC. The move from one contractor to another is to control the costs. An Audit could examine if there are additional costs and how we got to this point. The better way to focus an Audit is to look at it in the long term in order to keep the CONRAC cost under control and try to get the work done as quickly as possible. That is the way we are trying to do the ERP. Councilmember Hall asked how long will it take and how much. Ms. Ward responded that you have to allow time to hire someone to get the project started. The Audit depends on the scope of work. They can not do anything of great significance in less than eight weeks. Mr. DeCosta responded that estimates were provided by the Construction Manager. We believe that they were protecting themselves from market risk and all along hedging their costs. The construction market today is very unusual. We could have done this another way by waiting to see what happens. That way we would just go down the road and have conflicts on the site, but do our best to coordinate things. Mr. Rucker added that the numbers are about \$25 million dollars and added delays will make it \$15 million dollars more. Councilmember Hall stated that he wants to see it on a chart. Councilmember Muller stated that the Audit paper and this paper were both Personal Papers introduced at the same time. We are all interested in getting an Audit done. She is supportive of this paper. It makes sense to keep the work going. We as a body need construction advice. We would like to have Mr. Rucker here more often. Mr. DeCosta responded that the Designer and Construction Manager will be working together at once. In the International Facility, we brought them in at 80%. There were other issues that led to the pricing. Councilmember Muller stated that she is concerned that we are transferring the scope of work to this company twice. She hopes that Ms. Ward will talk to some of the Construction Supervisors. Councilmember Maddox stated that he is supportive of the paper. We do not support waiting to see what happens. Councilmember Moore asked if there is anything in the scope of work that is new that they will be doing. Mr. DeCosta responded no. Councilmember Moore asked for a transfer of the scope of work and the transfer of the cost. Why is it \$2 million dollars more if everything is the same? Mr. DeCosta responded that it is a negotiation between the estimates. Councilmember Moore asked where is the work coming from. Mr. DeCosta responded Austin Pratt. They will do the parking deck and CONRAC Facility. They proceeded that it is a challenge. Councilmember Moore asked for more specifics about the one for one

transfer. She will not support this paper today. She is not in support of any additional funding or changes until we have an Audit. Mr. DeCosta responded that they should be able to give an interim report. Chairperson Shook stated that he wants clarity on the additional costs. Councilmember Winslow offered a motion to **Approve on Substitute, 5 Yeas, 1 Nay.**

TO AUTHORIZE THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH DYNALLECTRIC COMPANY, FOR FC-3006007946

07-R-0940 (1)

A **Substitute** Resolution by Finance/Executive Committee Authorizing the Mayor to execute Change Order No. 1 with Dynallectric Company, for FC-3006007946, Airline Employee Parking Relocation-Phase 1, on behalf of the Department of Aviation, in an amount not to exceed six hundred fifty thousand dollars and no cents (\$650,000.00); all contracted work will be Charged To and Paid From Fund, Account and Center Number 2H21 (Airport Renewal & Extension Fund) 574001 (Facilities Other Than Buildings) R21001 (Hartsfield Capital Projects); and for other purposes. **(Finance/Executive Committee Substitute changes the amount in Section 1, 5/16/07)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute that changes the amount in Section 1. Mr. Rucker stated that we had to relocate about 1400 spaces in the parking lot. We transferred the spaces to the old northwest terminal. We had to enhance the pavement to accommodate the buses. The pavement was less than two inches thick, so we had to repave. This is mostly concrete and some asphalt. Chairperson Shook stated that the asphalt had to be for a standard load for bus traffic. Mr. Rucker stated that the new operation is for the busing system for the employees. We evaluated the busing route and modified it to accommodate the traffic. The total project cost is \$3.5 million dollars and it was originally \$2.8 million dollars. Councilmember Maddox offered a motion to **Approve on Substitute, 5 Yeas, 1 Abstention.**

TO AUTHORIZE THE MAYOR TO EXECUTE CHANGE ORDER NO. 1

07-R-0941 (2)

A Resolution by Finance/Executive Committee Authorizing the Mayor to execute Change Order No. 1 with Paramount Contracting Company, for FC-3005007894, Runway Safety Areas 26R-9L-9R, on behalf of the Department of Aviation, in an amount not to exceed two hundred eighty-eight thousand, five hundred seventy dollars and no cents (\$288,570.00); all contracted work will be Charged To and Paid From R21E050796AA (Airport Passenger Facility Charge, Facilities Other Than Building, Airfield Pavement Replacement Program); and for other purposes.

FAVORABLE

Mr. Rucker stated that the runway safety area had to be in compliance with federal laws. This project brought us into compliance. The work was mobilized in 2006. The airlines did not want to do additional construction on the runway. We had a lot of construction activities going on around the airfields. We went from \$288,570 to \$3,577,500 in cost. Councilmember Maddox stated that a few months ago he ran into situations at the airport where there were cell phone holding areas. It seems to help with the pick up area. Did we ever look at having something like that at the Airport. Mr. DeCosta responded that in the next phase we are looking at a place not far away to add this function. Councilmember Maddox stated that he was on a flight that landed at another location because of thunderstorms. The passengers had to wait on the runway for two hours waiting on a gate. Does Airtran have enough gates? Mr. DeCosta

responded that he would address it. Planes cannot take off if others are diverted. He recommends that they let us know and we will find a gate for them or they can taxi the passengers to their plane. Councilmember Maddox asked if an airline can use another airline's gate if it is available. Mr. DeCosta responded not without permission. Councilmember Maddox offered a motion to **Approve, 6 Yeas.**

TO AUTHORIZE THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT

07-R-0942 (3)

A **Substitute** Resolution by Finance/Executive Committee Authorizing the Mayor to enter into an Intergovernmental Agreement with Dekalb County, Georgia, for the billing and collection of Ad Valorem Property Taxes for the portion of the City of Atlanta which lies within Dekalb County, for an annual fee of seventy five thousand dollars and no cents (\$75,000.00), to be Charged To and Paid From Fund, Account and Center Number 1A01 (General Fund) 561001 (Payments to Other Governments) T31001 (Unallocated Fund-Wide Expenses); and for other purposes. **(Finance/Executive Committee Substitute allows for the collection of Solid Waste fees, Finance/Executive Committee Amendment attaches the IGA to the Legislation, 5/16/07)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute that allows for the collection of Solid Waste fees. Councilmember Moore asked if there is a change in the fee structure. Mr. Meadows responded that the fee varies. It is tied to the number of parcels. Councilmember Moore stated that we don't have the drafted Agreement attached to the Legislation. Mr. Meadows responded that the draft was not included, but we will provide it. Councilmember Moore offered an Amendment to include the IGA to the Legislation. Chairperson Shook stated that we will add the Amendment. He then offered a motion to **Approve on Substitute as Amended, 5 Yeas.**

TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND TO AMERICAN MANAGEMENT ASSOCIATION INTER-NATIONAL

07-R-0943 (4)

A Resolution by Finance/Executive Committee Authorizing the Chief Financial Officer to issue a refund to American Management Association International in the amount of twelve thousand nine hundred forty five dollars and thirty one cents (\$12,945.31) for Business License Fees paid in error to the City of Atlanta; all funds shall be Charged To and Paid From Fund, Account and Center Number: 1A01 (General Fund) 529010 (Refunds) T31001 (Unallocated Fund Wide Expenses); and for other purposes.

FAVORABLE

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

TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT WITH CLAUDIA G. LAWSON

07-R-0944 (5)

A **Substitute** Resolution by Finance/Executive Committee Authorizing the Mayor to execute a Contract with Claudia G. Lawson, Dekalb County Tax Commissioner, for the billing and collection of Property Taxes for the portion of the City of Atlanta which lies within Dekalb County, at a rate of \$2.00 per individual account billed; all expenses shall be Charged To and Paid From Fund, Account and Center Number: 1A01 (General Fund) 561001

(Payments to Other Governments) T31001 (Unallocated Fund-Wide Expenses) and for other purposes. **(Finance/Executive Committee Substitute adds Solid Waste Fee to the requirement, Finance/Executive Committee Amendment attaches the IGA to the Legislation, 5/16/07)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute that adds Solid Waste Fee to the requirement. One is an agreement with the County and the other is with the Commissioner. Councilmember Moore asked if we are the only City that does this. Councilmember Maddox stated that it should be a Tax instead of a Fee. Mr. Meadows responded that one charge is for the DeKalb Commissioner and the other is a per parcel charge. It comes out to about 10% of the City's billing. Councilmember Moore reiterated the question if every municipality do that. Mr. Meadows responded that he would check for her. Councilmember Maddox asked if that is his personal money. Mr. Meadows responded yes. Councilmember Maddox asked who negotiates the contract.

Mr. Gary Donaldson: Director of the Office of Revenue addressed the Committee by responding that we were assisted by the Law Department to do the contract. Councilmember Moore asked if there is a difference in the cost. Mr. Donaldson responded that there is a new Commissioner at DeKalb County. It is 12,500 parcels that estimated to be \$25,000. Councilmember Moore offered an Amendment to include the IGA to the Legislation. He then offered a motion to **Approve on Substitute as Amended, 5 Yeas.**

TO SUPPORT EFFECTIVE ACTION BY THE PRESIDENT OF THE UNITED STATES

07-R-0992 (6)

A **Substitute** Resolution by Councilmembers Anne Fauver and Clair Muller to support effective action by the President of the United States, the United States Congress, the Governor of the State of Georgia, and the Georgia General Assembly, to address the issue of Global Climate Change, which is increasingly harmful to the environment and economy of the United States of America, the Southeastern Region, the State of Georgia, and the City of Atlanta; and for other purposes. **(Finance/Executive Committee Amendment adds Councilmember Clair Muller as a sponsor, 5/16/07)**

FAVORABLE ON SUBSTITUTE AS AMENDED

Chairperson Shook stated that we have a Substitute. Councilmember Fauver stated that this paper is to give support to limit the Global Climate Change. It is for a system to be put in place to report carbon dioxide and to assess all public buildings and determine what action to take to be more energy efficient. One way is that we need to add cardboard to our Recycling Program. In other instances, we are overflowing with recycling. We can use Channel 26 for educational purposes to get the word out. Chairperson Shook stated that it is a common sense paper. Councilmember Muller stated that she is in approval. The Energy and Environmental Committee has put in policies. It does not hurt to have it on a local level as well. Recycling Atlanta helps fund the Recycling initiatives. We could implement building codes, etc. Councilmember Fauver offered an Amendment to add Councilmember Muller to the Legislation. Councilmember Maddox stated that the key is to get the word out. We need to think in terms of businesses. A large part of the population does not live in the City. Hopefully the federal government will help with funding. Councilmember Fauver added that the CDC has emphasized that the mental health of our children is at risk. Chairperson Shook offered a motion to **Approve on Substitute as Amended, 6 Yeas.**

TO AMEND THE CODE OF THE CITY OF ATLANTA, GEORGIA

- 06-O-0787 (1) 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 AUTHORIZE THE MAYOR OR HER DESIGNEE TO ENTER INTO AN APPROPRIATE AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION

- 06-R-1450 (2) 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 (3) 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 (4) 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

- 06-O-1924 (5) 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

- 06-O-1926 (6) 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, GEORGIA

- 06-O-2250 (7) 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 \$8,000,000

- 07-O-0113 (8) An Ordinance by Finance/Executive Committee to Anticipate and Appropriate Bond Proceeds in the amount of \$8,000,000 from the Annual 2007 General Obligation Bonds Issue to fund Various Municipal Projects; and for other purposes. **(Held, 2/28/07)**

HELD

TO AMEND THE PROCUREMENT CODE OF THE CITY OF ATLANTA, GEORGIA

- 07-O-0138 (9) An Ordinance by Councilmember Ceasar C. Mitchell to Amend the Procurement Code of the City of Atlanta, Georgia by Adding to Section 2-1142; monthly report to City Council; and for other purposes. **(Held, 1/31/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF THOSE PORTIONS OF PROPERTIES WITHIN UNINCORPORATED FULTON COUNTY

07-O-0492 (10) An Ordinance by Councilmembers Howard Shook and Jim Maddox to provide for the Annexation of those portions of properties within Unincorporated Fulton County known on the Tax Records of said County as Club Drive Rear, Parcels 17 00120005046, 17 00120005049, 17 00120005050, and 17 00120005055; Mabry Road Rear, Parcels 17 00130002015, 17 00130002016, and 17 00130002033; 4500 East Brookhaven Drive Rear, Parcel 17 0012005052; 4536 East Brookhaven Drive, Parcel 17 00130002026; 4524 East Brookhaven Drive, Parcel 17 00130002038; 4520 East Brookhaven Drive, Parcel 17 0010002042; 4516 East Brookhaven Drive, Parcel 17 00130002043; and 4647 Club Valley Drive, Parcel 17 00130002041, all properties being Unincorporated Islands, to the Corporate Limits of the City of Atlanta; to provide notice to the property owners; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Held, 3/14/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF WELCOME ALL ROAD

07-O-0500 (11) An Ordinance by Councilmembers Jim Maddox and Howard Shook to provide for the Annexation of Welcome All Road, Parcel 14F 0037 LL005, an Unincorporated Island, to the Corporate Limits of the City of Atlanta; to provide notice to the property owners; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Held, 3/14/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS KIMBERLY ROAD

07-O-0504 (12) An Ordinance by Councilmembers Jim Maddox and Howard Shook to provide for the Annexation of property known as Kimberly Road, Parcel 14F 0030 LL010, Kimberly Road Rear, Parcel 14F0030 LL011, Kimberly Road, Parcel 14F0030 LL012, Kimberly Road, Parcel 14F0030 LL013, Kimberly Road, Parcel 14F0030 LL027, and Kimberly Road 14F0030 LL028, all properties being Unincorporated Islands, to the Corporate Limits of the City of Atlanta; to provide notice to the property owners; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Held, 3/14/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS NISKEY LAKE TRAIL

07-O-0505 (13) An Ordinance by Councilmembers Jim Maddox and Howard Shook to provide for the Annexation of property known as Niskey Lake Trail, Parcel 14F0029 L1036, said property being an Unincorporated Island, to the Corporate Limits of the City of Atlanta; to provide notice to the property owners; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Held, 3/14/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF WELCOME ALL ROAD

07-O-0509 (14) An Ordinance by Councilmembers Jim Maddox and Howard Shook to provide for the Annexation of Welcome All Road, Parcel 14F 0037 LL008, an Unincorporated Island, to the Corporate Limits of the City of Atlanta; to provide notice to the property owners; to provide for the notification of the Department of Community Affairs; and for other purposes. **(Held, 3/14/07)**

HELD

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

07-O-0622 (15) An Ordinance by Councilmembers Anne Fauver and Carla Smith 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 Ordinances to maximize efficiency in purchasing systems furniture for several City of Atlanta Capital Projects; and for other purposes. **(Held, 3/28/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF 4605 BIRDIE LANE, SW

07-O-0623 (16) An Ordinance by Councilmember Jim Maddox to provide for the Annexation of 4605 Birdie Lane, SW, Atlanta, Georgia, 30331, 0.404 acres of land located in Land Lot 61 of the 14th District of Fulton County 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, 3/28/07)**

HELD

TO PROVIDE FOR THE ANNEXATION OF LAND KNOWN AS CASCADE FALLS SUBDIVISION

07-O-0624 (17) An Ordinance by Councilmember James Maddox to provide for the annexation of land known as Cascade Falls 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, 3/28/07)**

HELD

ITEMS NOT ON AGENDA

Mr. Jim Daws: of the Firefighters Union addressed the Committee by stating that he wants to address the 2008 Proposed Budget regarding removing the Inspection functions to the Bureau of Buildings. The Fire and Rescue Department has only known about this for three weeks and there are negative consequences doing this. We urge the Council to take a deliberate approach. He has with him Lt. Kettle. He is involved in the Fire accreditation association. We are a slight few in the nation. The inspectors save millions for businesses.

Lt. Silas Kellog: one of the Trustees of the Fire Department and one of the Accreditation Association's representatives addressed the Committee by stating that in addition to his training we believe the proposal to separate the operation is one that has been hastily sought. We have not had a chance to respond. It will have negative impacts. There will be loss of performance and property as well as life practices not being in place. It will also have an impact on the ISO rating. Our mission is to prevent and litigate. Without having that information, we cannot perform our functions. We have 22 authorized positions in those functions, which 15 are dedicated to inspections. The Inspectors would have 60 days to be certified as building inspectors. Four of the five support positions will be eliminated. The perception is that Fire responds to fire. We found that it is much easier to prevent that from happening. We classify all buildings in the City of Atlanta. Of the occupancies of 12,792 buildings, only 4200 or 32% have self protected fire systems. All schools are inspected twice annually. We perform 17,000 inspection related procedures for 3900 locations. Please give this some consideration. This is being driven by the Department of Finance and it is short sighted. Councilmember Moore stated that she does not support this movement. She has discussed with Mr. Meadows what Amendments needed to take place. She then stated that we will end up having our Fire Inspectors do other Code stuff. She has not heard of any good reasons to do it. Councilmember Muller asked what is the financial impact? Chairperson Shook responded that it is about \$3 million dollars or more. Mr. Daws added that the savings will be long term and it will be pretty minor. We need a full vetting of the program. Mr. Meadows responded that the \$3 million dollars is a savings that is immediate. It has a number of benefits. First, it will return Fire Fighters back to the field. Secondly, Night Field Inspector Teams can go to another area. Thirdly, it will also allow the transfer of Civilian Fire Personnel. The assumption is that their functions will cease, but it will increase productivity. Currently, they are below where we want them to be. It will address some problems happening with the Certificate of Occupancies. A Certificate of Occupancy was issued where there were Fire Code Violations. This will prevent this from happening in the future. It will increase efficiency and productivity as well as return firefighters to fire fighting duties. Mr. Daws stated that we have a disagreement with some of the statements made.

TO AUTHORIZE THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL CONTRACT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA

07-R-1002 (1)

An **Amended** Resolution by Finance/Executive Committee Authorizing the Mayor to execute an Intergovernmental Contract with the Deowntown Development Authority of the City of Atlanta; Authorizing an Acknowledgement of Service and the filing of an answer on behalf of the City of Atlanta in validation proceedings to be brought validating the Authority's Revenue Bonds (Downtown Redevelopment Project), Series 2007A (The "Series 2007A Bonds") and the Taxable Revenue Bonds (Downtown Redevelopment Project), Series 2007B (The "Series 2007B Bonds", and, together with the Series 2007A Bonds, The "Series 2007 Bonds"), in the maximum combined aggregate principal amount of not to exceed \$28,000,000 to finance a portion of the projects or phases of projects in the five-year work plan previously approved by the City of Atlanta (The "City") in connection with the implementation of the initial phase of the Beltline Redevelopment Plan for the City's Tax Allocation District Number Six - Beltline, and to pay costs of Issuance of the Series 2007 Bonds; Authorizing the execution of a Bond Purchase Agreement; Authorizing the execution of a Bond Purchase Agreement; Authorizing the execution of a continuing Disclosure Agreement; Authorizing the approval of the Official Statement; and for other purposes. **(Finance/Executive Committee Amendment in the first Whereas on page #3 changes the not to exceed to 8% instead of 9%, 5/16/07)**

FAVORABLE AS AMENDED

Mr. Doug Silvey: Bond Counsel addressed the Committee by stating that this paper is for the Issuance of Bonds for the Downtown Development District. The proceeds will initially fund a portion of the five year work plan that was approved in July 2006. Councilmember Moore asked if we are doing Bonds for the Beltline for the City's portion. Mr. Silvey responded that the Downtown Development Authority authorized it to finance redevelopment projects. The areas were expanded. Councilmember Moore stated that the boundaries do not go all over the City. Mr. Silvey responded that they are seeking to finance committed areas. The area is expanded to coincide with the Central Business District. Councilmember Moore asked where could she find the projects you are talking about. Mr. Silvey responded that there were previously five projects approved. It is a subset of the five year work plan. Councilmember Maddox stated that we passed it in the Community Development/Human Resources Committee on yesterday. Councilmember Moore asked how are we paying the money back. Mr. Silvey responded that the City has the option to pay from incremental tax projects from the Beltline or TADS. One of the requirements is the issuance of an increment projection study.

Ms. Keisha Cunningham: Bond Counsel of A.G. Edwards addressed the Committee by stating that this is an anticipation. There is going to be an increase in the development and the General Fund. Councilmember Moore stated that we are doing this now for some specific reason. Is there a cost of Issuance sheet? Ms. Cunningham responded not at this time. Councilmember Moore asked about the nine percent. Ms. Cunningham responded that it is not to exceed this amount, so we wouldn't have to come back. Councilmember Moore stated that it is usually around 8%. Ms. Cunningham responded that we were being overly conservative. We did see some scales out there at 5.75%. There is no problem with it not exceeding 8%. Councilmember Moore offered an Amendment not to exceed 8%. She still wants to know how we are paying for it.

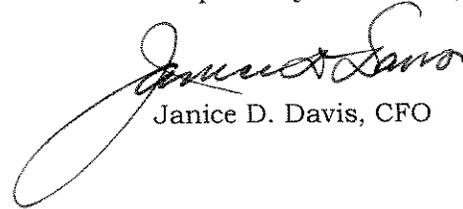
Ms. Dana Boone: Debt and Investment Chief addressed the Committee by stating that we are gathering the information for the Beltline. The revenue stream is tied to the increment. Councilmember Moore asked if it is clear that the increment is the source of revenue. Ms. Boone responded yes. We wanted to ensure that we were not Bonding for something the revenues could not support, so we hired a company to make sure of that. It is not specifically in the Legislation. Councilmember Moore stated that she wants to make changes in the first Whereas Clause on page #3 to change the not to exceed percentage rate to 8% instead of 9%. Councilmember Moore stated that she is trying to keep it consistent with previous Bond papers. If it is moved forward, can the language be provided? Mr. Silvey responded that we discussed that projection. The taxable rate of 8% is a small percentage of the overall transaction. The City can get a reasonable rate because through the IGA the City is pledging its full faith. They are looking for the City to express its commitment. Page #4, Section 3-B says that the City has the flexibility to pay from other sources, but there are increments there to pay for it and those resources would be used before we would use the General Fund.

Ken Nabors: General Counsel of ADA stated that the abatement language contemplates the City's commitment. We should leave the language as it is. This is the best way to market the Bonds. Councilmember Winslow asked if that includes the 8%. Mr. Nabors responded that he is okay with the 8%. Ms. Cunningham added that certain key phrases are looked at. If we change it, they may not agree with it. Mr. Nabors stated that we have been given a not to exceed amount of \$28 million dollars. Chairperson Shook stated that he is happy with the need to do this. He is now persuaded that this is a low key and low risk approach to solve an immediate problem. Councilmember Maddox offered a motion to **Approve as Amended, 4 Yeas, 1 Abstention.**

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 5:30 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Janice D. Davis". The signature is fluid and cursive, with a large loop at the end of the last name.

Janice D. Davis, CFO

Charlene Parker
Recording Secretary

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