

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, December 2, 2009 at 1:00 a.m. in Committee Room #2, City Hall South, 2nd Floor.

Present: Councilmember Howard Shook, Chair Roosevelt Council, Interim CFO
 Councilmember Felicia A. Moore Departmental Staff
 Councilmember Carla Smith
 Councilmember Jim Maddox
 Councilmember Cleta Winslow

Absent: Councilmember Clair Muller

Chairperson Shook called the meeting to order at 3:30 p.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, Carla Smith, Jim Maddox and Cleta Winslow. Other Departmental staff was present as well.

The Agenda was adopted as printed with five new Resolutions. The minutes of the Finance/Executive Committee November 9, 2009 were adopted as well.

REGULAR

TO SUPERVISE THE EXPENDITURE OF FUNDS FOR SUBSEQUENT TRANSFERS

09-O-2006 (1) An Ordinance by Finance/Executive Committee authorizing the Mayor and the Chief Financial officer to supervise the expenditure of Funds for subsequent transfers and assure the Close Out of Fiscal Year 2009; and for other purposes.

FAVORABLE

Ms. Allison Lehr: Controller addressed the Committee by stating that there is an attachment. The operating transfers were not included in the original budget. We have the hotel/motel tax included as well. The communication programs were transferred from the General Fund. Solid Waste was also transferred into the General Fund. We had a \$1 million dollar transfer out from the Department of Watershed Management to the Department of Public Works. Councilmember Moore asked if this is the first time this has been done. Ms. Lehr responded, yes. Those are the operating transfers. The next section is the scheduled operations section. The general fund restricted reserve was \$28.5 million dollars and adjustments were made in the final budget that had a loss of \$5 million dollars. There were \$7.4 million dollars for operations and \$7.7 million dollars for the adjusted reserve. We had a total operating net income of \$7.7 million dollars. It is a significant improvement. In 2008 we dipped into the Reserves and it was under \$10 million dollars. CFO Glass added that we have an audit of the indirect allocation. We had an adjustment for 2007 and 2008. We had to consider where we have come from and what we were facing. He is pleased that these are as close to be audited as possible. He suggests staying with what you were doing. Councilmember Winslow asked if we know when we will get the property tax money. Ms. Lehr responded December 1st. CFO Glass added that it has to do with our cash flow. We are relying on it to keep the City flowing. Councilmember Moore stated that she wants to be clear on the \$7.7 million dollars. CFO Glass responded that we had a fund balance of \$5.6 million dollars and a total of \$10.1 million dollars. The remainder goes in the fund balance. The Restricted Fund Balance is around \$10.1 million dollars and 25% will come out of it which leaves \$7.7 million dollars. Councilmember Moore stated that at the Retreat you stated that we should have ended it with \$100 million dollars. Ms. Lehr responded that at the bottom of the schedule of \$10.1 million dollars, \$5.6 is in the \$10.1 million dollars. Part of it is Restricted. Councilmember Moore stated that we have done well from where we are, but we have a long way to go. Ms. Lehr responded that we should be at \$100 million dollars.

Mr. Roosevelt Council: Chief of Budget and Fiscal Policy addressed the Committee by stating that the spreadsheet shows the perspective on the \$7.7 million dollars. It is Department by Department. We had an adopted budget of \$570 million dollars. There was an impact on the revenue sources. We knew we could not meet that target. We instituted the furlough and administrative holds. What we have here is each Department's operations and what they had left. It is represented by the furlough. Chairperson Shook stated that Oracle is producing results. We are looking at another year of constraints. Councilmember Moore asked if people come to Finance to review the documents. Mr. Council responded that we do not put all of the documents on the website. On the website we have all of the current monthly budgets. Councilmember Moore asked if we could include the close out. She then offered a motion to **Approve on Substitute, 4 Yeas.**

TO AMEND THE FY 2010 AIRPORT RENEWAL AND EXTENSION FUND (5502) BUDGET

09-O-2007 (2) An Ordinance by Finance/Executive Committee to amend the FY 2010 Airport Renewal and Extension Fund (5502) Budget by transferring to and from Appropriations the amount of \$50,000,000, to establish an Operating and Maintenance Reserve Account in the amount of one quarter (1/4) of the budgeted operating expenses for Fiscal Year 2010; and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 4 Yeas.**

TO ESTABLISH A SHOWMOBILE OPERATOR TRUST ACCOUNT FUND

09-O-2008 (3) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer or his Designee to establish a Showmobile Operator Trust Account Fund, on behalf of the Department of Parks, Recreation and Cultural Affairs, for the purpose of accepting receipts from the Department's Showmobile Rentals; and for other purposes.

FAVORABLE

Councilmember Shook offered a motion to **Approve, 4 Yeas.**

TO WAIVE CHAPTER 2, ARTICLE X, SECTION 2.1206

09-O-2009 (4) An Ordinance by Finance/Executive Committee to waive Chapter 2, Article X, Section 2.1206 of the Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances in order to authorize the Chief Procurement Officer to extend the terms of the Contract FC-4844, Special Procurement for Financial Consultant, Mr. Ian Cooper, between the City of Atlanta and CFO Catalyst LLC, formerly d/b/a Ian Cooper for a period of five months with a termination date of July 31, 2010 in an amount up to ninety seven thousand dollars (\$97,000); all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 10010 (DOF Chief Financial Officer) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive).

FILE

Councilmember Moore offered a motion to **File, 4 Yeas.**

TO WAIVE THE PAYMENT PROVISIONS

09-O-2017 (5) A **Substitute** Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the Payment Provisions contained in the City of Atlanta Code of Ordinances Article X, Procurement and Real Estate Code, to ratify the prior provisions of the Cisco Smartnet Hardware Maintenance and Support Services from August 1, 2009 to November 15, 2009 and, utilize Georgia Technology Authority Contract Number S000546-043 to purchase Cisco Smartnet Maintenance and Support Services from Cisco Systems for eleven (11) months in an amount not to exceed \$148,036.21; all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services - Capital) 1535000 (Data Processing/Management Information Systems); and for other purposes. **(Finance/Executive Committee Substitute corrects FDOA, 12/2/09)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore offered a motion to **Approve on Substitute, 4 Yeas.**

Mr. Dan Smith: Chief of Information Technology addressed the Committee by stating that this is work that was done previously.

TO WAIVE THE PAYMENT PROVISIONS

09-O-2018 (6) An Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the Payment Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior provisions of Support Services by International Business Machines Corporation since July 1, 2009 for Hardware and Software Maintenance and Support, on behalf of the Department of Information Technology in an amount not to exceed \$151,174.07; all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050212 (IT Server Management) 5222002 (Repair & Maintenance-Equipment) 1535000 (Data Processing/Management Information Systems); and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 4 Yeas.**

TO AUTHORIZE THE ISSUANCE AND SALE OF CITY OF ATLANTA (GEORGIA) GENERAL FUND TAX ANTICIPATION NOTES

09-O-2030 (7) A **Substitute** Ordinance by Finance/Executive Committee authorizing, among other things, the Issuance and Sale of City of Atlanta (Georgia) General Fund Tax Anticipation Notes in the Principal amount of \$80,000,000; and for other purposes. **(Finance/Executive Committee Substitute names Wachovia Bank and establishes the interest rate, 12/2/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that the Substitute the name Wachovia and establishes the interest rate.

Ms. Carmen Pigler: Chief of Debt and Investment addressed the Committee by stating that the City will issue TANs for 2010 in the amount of \$80 million dollars. The purpose is to ensure the adequate level of cash flow. The notes will be placed with Wachovia Wells Fargo Securities. We will pay .075%. We are also doing this on a tight time line. We have requested bids from several institutions that do business with us. Chairperson Shook offered a motion to **Approve on Substitute, 4 Yeas.**

TO AMEND THE 2010 (INTERGOVERNMENTAL GRANT FUND) BUDGET

09-O-2038 (8) An Ordinance by Councilmember Kwanza Hall **as Substituted by Finance/Executive Committee (1), 12/2/09** amending the 2010 (Intergovernmental Grant Fund) Budget by adding to Anticipations and Appropriations Transportation Enhancement Funds in the amount of two hundred twenty three thousand five hundred fifteen dollars and sixty three cents (\$223,515.63) for the purpose of funding construction expenses for Fairlie-Poplar Historic District Streetscapes Project; and for other purposes. **(Finance/Executive Committee Substitute ..., 12/2/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. He then offered a motion to **Approve on Substitute, 4 Yeas.**

TO EXECUTE AN AMENDMENT TO RENEWAL AGREEMENT NO. 4

09-O-2040 (9) An Ordinance by Councilmember Carla Smith authorizing the Mayor or her Designee to execute an Amendment to Renewal Agreement No. 4 with Advanced Disposal Services, Inc. for FC-7650-04A, annual contract for disposal of municipal solid waste, on behalf of the Department of Public Works, for the purpose of extending the Agreement on a month to month basis not to extend beyond July 31, 2010, in an amount not to exceed three hundred thousand dollars and no cents (\$300,000.00); authorizing the City of Atlanta to waive the Competitive Source Selection Requirements contained in Section 2-1187, 2-1188, and 2-1189 of Article X Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; all contracted work will be charged to and paid from Fund, Department, Account and Activity Number: 5401 (Solid Waste Services Revenue Fund) 130542 (DPW Disposal-Landfill), 5212001 (Consultant/Prof. Services), 4560000 (Closure & Post Closure Care) or Successor Accounts; and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 4 Yeas.**

TO EXECUTE AN AMENDMENT TO RENEWAL AGREEMENT NO. 4

09-O-2041 (10) An Ordinance by Councilmember Carla Smith **as Substituted by Finance/Executive Committee (1), 12/2/09** authorizing the Mayor or her Designee to execute an Amendment to Renewal Agreement No. 4 with Republic Services of Georgia LP for FC-7650-04B, Annual Contract for disposal of municipal solid waste, on behalf of the Department of Public Works, for the purpose of extending the Agreement on a month to month basis not to extend beyond July 31, 2010, in an amount not to exceed one million three hundred thousand dollars and no cents (\$1,300,000.00); and authorizing the City of Atlanta to waive the

Competitive Source Selection Requirements contained in Sections 2-1187 through 2-1189, and 2-1206 of Article X Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; all contracted work will be charged to and paid from Fund, Department, Account and Activity Number: 5401 (Solid Waste Services Revenue Fund) 130542 (DPW Disposal-Landfill), 5212001 (Consultant/Prof. Services), 4560000 (Closure & Post Closure Care) or Successor Accounts; and for other purposes. **(Finance/Executive Committee Substitute corrects FDOA, 12/2/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. Councilmember Smith offered a motion to **Approve on Substitute, 4 Yeas.**

TO WAIVE THE PAYMENT PROVISIONS

09-O-2044 (11) An Ordinance by Councilmember Jim Maddox to waive the payment provisions contained in Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances, to ratify the prior provision of services from April 1, 2009 through December 14, 2009 by Inslaw Inc., for the Comprehensive Justice Information System Court Management Software Support and Maintenance, to authorize the Chief Financial Officer to remit payment to Inslaw Inc. for the contract year beginning April 1, 2009, in an amount not to exceed fifty-six thousand, nine hundred fifty-one dollars and no cents (\$56,951.00); and to authorize the Mayor or her Designee to execute an Agreement with Inslaw Inc., for six (6) months with an effective date of December 15, 2009 and ending June 30, 2010 on behalf of the Department of Information Technology, in an amount not to exceed thirty-seven thousand, nine hundred sixty-seven dollars and no cents (\$37,967.00) for a total amount not to exceed ninety-four thousand, nine hundred eighteen dollars and no cents (\$94,918.00), to be charged to and paid from Fund, Department, Account and Center Number 1001 (General Fund) 050212 (IT Server Management) 52130001 (Consulting/Professional Services – Technical) 1535000 (Data Processing/Management Information System); and for other purposes.

FAVORABLE

Mr. Smith stated that this is for services already provided. Chairperson Shook offered a motion to **Approve, 5 Yeas.**

TO AMEND THE FY 2010 (TRUST FUND) BUDGET

09-O-2045 (12) An Ordinance by Councilmember Jim Maddox amending the FY 2010 (Trust Fund) Budget, Office of the Mayor, by transferring appropriations in the amount of \$3,314.26 from the Dream Jamboree Program to the Mayor's Office of Weed and Seed to Fund Educational Programs; and for other purposes.

FAVORABLE

Councilmember Moore asked where are we putting the money.

Mr. Greg Pridgeon: Mayor's Office Chief of Staff addressed the Committee by stating that it is going into the Weed and Seed Program. Chairperson Shook offered a motion to **Approve, 5 Years.**

TO AMEND THE FY 2010 (_____ FUND) BUDGET

09-O-2046 (13) An Ordinance by Councilmember Jim Maddox amending the FY 2010 (_____ Fund) Budget, Department of Aviation by transferring Appropriations in the amount of \$ _____ for the executive pay schedule 401 (A) Plan; and for other purposes.

FILE

Chairperson Shook offered a motion to **File, 4 Years.**

TO AMEND CHAPTER 114, PERSONNEL ARTICLE "V", CLASSIFICATION PLAN

09-O-2047 (14) An **Amended** Ordinance by Councilmember Jim Maddox to amend Chapter 114, Personnel Article "V", Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to provide certain position reclassifications, employee salary adjustments, salary grade amendments and other personnel actions as a supplement to the FY10 Personnel Budget (Tier 2); and for other purposes. **(Finance/Executive Committee Amendment adds Salary Adjustments to a Legislative Assistant position in the Department of Finance and positions in the Audit Division, 12/2/09)**

FAVORABLE AS AMENDED

Councilmember Maddox stated that he has an Amendment. Chairperson Shook stated that the Amendment adds a new Section for Salary Authorization for the Legislative Assistant. He then stated that we have done a lot of Personnel Papers and everything has been approved up until now. He is not overly enthused. There are a few things that are cost neutral. The Amendment is Approved, 5 Years.

Ms. Benita Ransom: Commissioner of the Department of Human Resources addressed the Committee by stating that Tier 1 was approved in September. We stated that we would phase in three Personnel Papers. This paper consists of various salary adjustments. There are about 45 actions in the paper. We have provided the cost. The funds are available. CFO Glass added that they were originally budgeted and anticipated. Councilmember Winslow stated that under Section 6 at the bottom, it lists Impact Fee money for the Urban Planner positions. Mr. Council responded that it is moving a General Fund position to the Impact Fee and the Urban Planner position from the Impact Fee to the General Fund. Councilmember Winslow asked if the people are already in the positions. Commissioner Ransom responded that the positions are filled. Councilmember Winslow asked if it is a wise thing to do. Is it going to be better or worst? CFO Glass responded that we have gone through the papers. It is keeping things going and doing the right things. He is concerned about 2011 as well. We have overrun on our current budget. He recognizes the concern. As we look at operations this is what we have reduced it to. In the Enterprise Fund some of the areas deal with some of the weaknesses. Commissioner Ransom responded that from 2008 to 2010 we have reduced about 31% of personnel. The Departments need to compensate their employees and make sure they are in the right classification. There are a number of employees working out of class. You either pay them now or pay them later. In some instances that is what is happening. In the Department of Public Works there was a contract given up with Georgia Power and the Department had to do the work. The Department of Planning and Community Development has four actions. Councilmember Winslow asked if it was discussed with the Department of Human Resources. Commissioner Ransom responded yes. Councilmember Winslow asked how

do we think outside of the box. We can have interns from the colleges. Have we had any talks about thinking out of the box? We are going to be hitting some harder times. Mr. Pridgeon responded that we have had a variety of internships. We have hired about 500 students during the summer months. We can probably do even more. We need to do a standardized program. Councilmember Winslow stated that we are down to the bottom. Chairperson Shook stated that one of the problems is that we have been given more. He then offered a motion to Hold. Councilmember Maddox stated that if we Hold the paper, it is dead. He does not want to Hold the paper; employee morale has a lot to do with it. He understands the frustration. He wants to hear more from the Commissioner. Commissioner Ransom responded that there are a number of actions we cannot do after this month, such as the salary adjustments. We are currently working with the workforce from the year 2002. It is important to compensate the employees. Chairperson Shook offered a motion to Hold. Councilmember Maddox offered a Substitute motion to Approve. Councilmember Winslow asked about people working out of class. What type of liability is there? Mr. Pridgeon responded that this is a matter of actions and potential litigations. Chairperson Shook stated that employment morale shows that a very few except for managerial positions get the benefits. Councilmember Martin stated that he requested information from the CFO in regards to Personnel regarding contractors, people relieved of their duties and part-time employees. He is concerned about money to fund these. He does not know about the contractors and consultants. CFO Glass responded that we are under running our budget and living within our budget. Councilmember Martin stated that he wants to know about who is being let go, etc. There should be dual reporting responsibility. CFO Glass responded that he honors his request. He has his staff working on currently getting the CAFR out. Councilmember Martin stated that he needs the information. CFO Glass responded that he is not opposing this paper.

Mr. Joe Basista: Commissioner of the Department of Public Works addressed the Committee by stating that he wants to give examples of what is in the paper. He has about 30%, he only has one Deputy left and has abolished two Deputies. In fiscal year 2010 we budgeted for the classifications. We believe it is necessary and the right thing to do. Mr. Smith stated that he is extremely short staffed. He is looking at transactions where payroll is running checks. We have made significant adjustments in Oracle. It is running around the clock processing. These employees are stepping up. These are moves we have to make. Ms. Ward stated that she has an Amendment for three positions. The total amount is about \$7,000. She is asking for it because these people are doing more complex work. She was unaware there was a paper. She has only one CPA left, and she has not been able to hire another. Other staff members have been doing the work. Councilmember Maddox offered a Substitute motion to **Approve as Amended, 3 Yeas, 1 Nay, 1 Abstention.**

TO TRANSFER \$311,624.00 FROM THE DISTRICT 8 COUNCIL-MEMBER EXPENSE ACCOUNT

09-O-2054 (15)

An Ordinance by Councilmember Clair Muller **as Substituted by Finance/Executive Committee (1), 12/2/09** to transfer \$311,624.00 from the District 8 Councilmember Expense Account to the Department of Public Works to be used to assist in funding various sidewalk projects in District 8; and for other purposes. **(Finance/Executive Committee Substitute adds the Account Numbers, Finance/Executive Committee Conditional Passage identifies where the funds will be spent, 12/2/09)**

FAVORABLE ON SUBSTITUTE ON CONDITION

Chairperson Shook stated that we have a Substitute that adds the Account Number. Councilmember Moore offered a motion to **Approve, 4 Yeas.** She then asked where is the list of where the money will be spent?

Ms. Katrina Taylor: of the Department of Public Works addressed the Committee by stating it is in District 8. Councilmember Moore asked if Councilmember Muller is using the unexpended funds or is she just putting in an Account for another Councilmember to allocate. She has no problem supporting it. We know Councilmember Muller has several projects. There are projects that are in ready mode. She wants to see the projects that \$311,000 will be spent on. She then offered a motion to **Approve the Substitute on Condition of identifying where the money will be spent, 5 Yeas.** Ms. Taylor responded that she will provide it. Councilmember Moore stated that it was stated that we were taking the funds and putting them in a Trust Fund Account. Ms. Taylor responded that we can work with the Department of Finance and do a Project Account. It can be added as a Condition. Councilmember Moore stated that it needs to be put into the right Account.

TO TRANSFER APPROXIMATELY 6.0 ACRES OF PROPERTY

09-O-2055 (16) An Ordinance by Councilmember Felicia A. Moore **as Substituted by Finance/Executive Committee (1), 12/2/09** authorizing the Mayor on behalf of the City to transfer approximately 6.0 acres of property located at 1090 North West Lois Street, Tax Parcel No. 17-0190-LL-021 (The "Property"), to the Atlanta Independent School System for the purpose of creating athletic and recreational fields for the use of the Atlanta Public School System and the public; and authorizing the Mayor on behalf of the City to accept reimbursement for the cost of the property from Atlanta Beltline, Inc., where said reimbursement shall be in the amount of \$5,750,000.00 or the equivalent in property or development on other property owned by Atlanta Beltline, Inc. for use as a park and/or recreational facility; and waiving the Atlanta Code of Ordinances Real Estate Section, Chapter 2, Article X, Division 14, to the extent that it applies to the transaction authorized herein; and for other purposes. **(Finance/Executive Committee ..., 12/2/09)**

FAVORABLE ON SUBSTITUTE

Mr. Peter Andrews: Senior Assistant City Attorney addressed the Committee by stating that the property is being transferred to APS. Chairperson Shook asked why. Senior Assistant City Attorney Andrews responded that ABI did not make good on their process. Councilmember Moore offered a motion to **Approve on Substitute, 4 Yeas.**

TO AMEND THE CHARTER OF THE CITY OF ATLANTA

09-O-1922 (1) An Ordinance by Councilmember Felicia A. Moore to amend the Charter of the City of Atlanta adopted under and by virtue of the Municipal Home Rule Act of 1965 (GA Laws 1965, P. 298, et. seq.) as amended to Amend Part 1, Subpart A, Article VI, Chapter 3, Section 6-304 of the Charter of the City of Atlanta, Georgia (GA Laws 1996, P. 4469, et. seq.) approved April 15, 1996, as Amended, by Amending Article VI, Chapter 3, Section 6-304 so as to add a Subsection D regarding non budgeted Programs and Expenditures; to repeal conflicting Ordinances; and for other purposes. **(Favorable as Amended, Second Reading, First Adoption, 11/9/09)**

FAVORABLE

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

TO REQUEST THAT THE ADMINISTRATION REVIEW THE FINANCIAL IMPACT/REVENUE OPPORTUNITIES

09-R-2037 (1) A Resolution by Councilmember Kwanza Hall of the Atlanta City Council requesting that the Administration Review the Financial Impact/Revenue Opportunities of expanding hours for sale of liquor in the City from 2:30 to 4 am; and for other purposes.

HELD

Councilmember Maddox stated that the intent makes sense to do a study. It is not a good time to do it with new Councilmembers coming in.

TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

09-R-2144 (2) A Resolution by Finance/Executive Committee authorizing the Mayor or her Designee to enter into a Memorandum of Agreement with the United States Citizenship and Immigration Services to register the City of Atlanta with the Systematic Alien Verification for Entitlements ("SAVE") Program; to require that every business or individual receiving a public benefit from the City of Atlanta file an affidavit verifying their eligibility to receive public benefits as set forth in the Save Program beginning January 1, 2010; and for other purposes.

FAVORABLE

Mr. Roger Bhandari: Acting City Attorney addressed the Committee by stating that the City has to begin identifying the Immigration Program beginning January 2010. Chairperson Shook stated that governments that do not do this are subject to lose Grant funds. He then offered a motion to **Approve, 5 Yeas.**

TO ENTER INTO AN AGREEMENT WITH MOTOROLA

09-R-2145 (3) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with Motorola utilizing the State of Georgia Contract Number 980-280008 for to purchase a Radio Base Station, on behalf of the Department of Watershed Management, in an amount not to exceed twenty-nine thousand nine hundred fifty-seven dollars and sixty-three cents (\$29,957.63); all contracted work will be charged to and paid from 5052 (Water & Wastewater Revenue) 170901 (DWM Office of Watershed Security) 5316009 (Security Equipment (\$1000+) 1920000 (Emergency Management); and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 4 Yeas.**

TO EXECUTE A SOLE SOURCE AGREEMENT WITH TEMPLETON & ASSOCIATES, INC.

09-R-2146 (4) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to execute a Sole Source Agreement with Templeton & Associates, Inc. for Trojan UV System Replacement Parts, Service and Repair on behalf of the Department of Watershed Management/Bureau of Wastewater Treatment and Collections, in an amount not to exceed five hundred thousand dollars (\$500,000.00); all contract work shall be charged to and

paid from various Fund Department Organization and Account Numbers; and for other purposes. **(Finance/Executive Committee Substitute..., 12/2/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. He then offered a motion to **Approve on Substitute, 4 Yeas.**

TO UTILIZE GSA CONTRACT #GS-35F-0118J

09-R-2147 (5) A Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize GSA Contract #GS-35F-0118J for the purchase of the VFA Facility Software System from Vanderwell Facility Advisors, Inc. for the City of Atlanta, Department of Aviation; in an amount not to exceed \$83,644.00. The software purchase will be charged to and paid from FDOA 5501 (Airport Revenue Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5212001 (Consulting/Professional Services), Functional Activity 7563000 (Airport); and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 4 Yeas.**

TO UTILIZE GSA CONTRACT #GS-35F-0247V

09-R-2148 (6) A Resolution by Finance/Executive Committee authorizing the Mayor to utilize GSA Contract #GS-35F-0247V for the purchase of the Talent Management System from Cornerstone On Demand, Inc. for the City of Atlanta, Department of Aviation in an amount not to exceed \$127,785.00. All purchases will be charged to and paid from FDOA (\$80,504.55) 5502 (Airport Renewal and Extension Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5212001 (Consulting/ Professional Services Functional Activity 7563000 (Airport), and (\$47,280.45) 5501 (Airport Revenue Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5212001 (Consulting/Professional Services), Functional Activity 7563000 (Airport), and for other purposes.

FILE

Councilmember Smith offered a motion to **File, 4 Yeas.**

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

09-R-2149 (7) A Resolution by Finance/Executive Committee authorizing the Mayor or her Designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances utilizing Georgia Technology Authority Contract Number S000546-043 to purchase Cisco Smartnet Maintenance and Support Services from Cisco Systems for eleven (11) months with an effective date of November 16, 2009 and ending on October 21, 2010 in an amount not to exceed one hundred thirty-three thousand, three-hundred forty-two dollars and sixty-eight cents (\$133,342.68) all funds to be charged to and paid from Fund, Department, Organization, and

Account Numbers 1001 (General Fund) 050202 (IT Applications) 5410001 (Consultant Professional Services – Capital) 1535000 (Data Processing/Management Information Systems); and for other purposes.

FAVORABLE

Councilmember Shook offered a motion to **Approve, 4 Yeas.**

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

09-R-2150 (8) A Resolution by Finance/Executive Committee authorizing the Mayor or her Designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing General Services Administration Contract Number GS-35F-4984H with International Business Machines for Hardware and Software Maintenance and Support Services beginning December 16, 2009 and ending June 30, 2010, on behalf of the Department of Information Technology in an amount not to exceed one hundred forty-nine thousand, one hundred seventy-three dollars and seventy-one cents (\$149,173.71) all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050212 (IT Server Management) 5222002 (Repair & Maintenance-Equipment) 1535000 (Data Processing/Management Information System); and for other purposes.

FAVORABLE

Councilmember Smith offered a motion to **Approve, 4 Yeas.**

TO ENTER INTO A LICENSED USER AGREEMENT

09-R-2154 (9) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor or her Designee, on behalf of the City, to enter into a Licensed User Agreement with Tickemaster L.L.C., for Ticket Sales Rights at the Boisfeuillet Jones Atlanta Civic Center; and for other purposes. **(Finance/Executive Committee Substitute..., 12/2/09)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore offered a motion to **Approve on Substitute, 4 Yeas.**

Ms. Diane Harnell-Cohen: Commissioner of the Department of Parks, Recreation and Cultural Affairs addressed the Committee by stating that starting January 23rd we will do a display of Princess Diana, celebrating her life. This will allow us to sell tickets ourselves. Councilmember Maddox stated you should be able to do it for any event. Chairperson Shook offered a motion to **Approve on Substitute, 4 Yeas.**

TO UTILIZE GEORGIA STATE CONTRACT #GTA000119

09-R-2176 (10) A Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize Georgia State Contract #GTA000119 to lease twenty-eight (28) Bizhub Copiers from Konica Minolta Business Solutions for a period of sixty (60) months, on behalf of the Department of Police, in an amount not to exceed \$605,000.00; all costs shall be charged to and paid from 1001 (General Fund), 240202 (Police Stations and

Buildings), 5223202 (Operating Lease/Rental-Equipment), 3260000 (Police Stations and Buildings); and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 4 Yeas.**

TO UTILIZE GSA CONTRACT #GS-35F-0143R

09-R-2177 (11) A Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize GSA Contract #GS-35F-0143R to purchase seventy (70) Mobile Data Computers (“MDC”), on behalf of the Department of Police, in an amount not to exceed \$315,200.00; all costs shall be charged to and paid from 1001 (General Fund), 240202 (Police Stations and Buildings), 5316005 (Computers), 3260000 (Police Stations and Buildings); and for other purposes.

FAVORABLE

Chairperson Shook offered a motion to **Approve, 4 Yeas.**

TO ENTER INTO AMENDMENT AGREEMENT NUMBER 1

09-R-2178 (12) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor or her designee to enter into Amendment Agreement Number 1 with Public Facilities & Services, Inc., for FC-6006007903, Automatic Public Toilets, on behalf of the Department of Public Works, in an amount not to exceed \$89,000.00; all contracted work will be charged to and paid from FDOA: 1001 (General Fund) 130300 (Office of Transportation) 5222002 (Repair and Maintenance) and PTAE0 Funding Source: 13101985 102 350291795 5414002 COA; and for other purposes. **(Finance/Executive Committee Substitute corrects the FDOA and the time frame, 12/2/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. Ms. Taylor responded that the Substitute cleans up the Account Numbers and time. Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas.** Ms. Taylor responded the original contract was for 2 years and there was a typo. The contract expires December 31st. It is \$89,000 monthly up to six months. This company is being used frequently. Councilmember Maddox stated that most places charge. If they are homeless, there are tokens they can use. Councilmember Maddox stated that people should use some of the costs. Ms. Taylor responded that as we expand we will look at that.

TO AMEND A RESOLUTION CONSENTING TO THE CREATION OF THE BUCKHEAD COMMUNITY IMPROVEMENT DISTRICT (BCID)

09-R-2179 (13) A Resolution by Finance/Executive Committee amending a Resolution consenting to the creation of the Buckhead Community Improvement District (BCID) as authorized by the General Assembly of the State of Georgia in the Atlanta Community Improvement District Act so as to provide for an additional purpose for which the BCID may provide for Governmental Services and Facilities; and for other purposes.

FAVORABLE

Chairperson Shook stated that they are spending it on parks and greenspace. He then offered a motion to **Approve, 5 Yeas.**

TO AMEND THE PROCUREMENT CODE OF THE CITY OF ATLANTA

07-O-0138 (1) 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 at the request of the Department of Procurement for an additional study)**

HELD

TO AMEND ARTICLE V. CLASSIFICATION PLAN

07-O-0974 (2) An Ordinance by Councilmember C.T. Martin **as Substituted by Finance/Executive Committee** to Amend Article V. Classification Plan, of the Code of Ordinances, City of Atlanta, Georgia, so as to create (215) positions in the Atlanta Police Department; and for other purposes. **(Substituted and Held, 5/16/07 in conjunction with consideration of 2008 Budget)**

HELD

TO SUPOORT H.R. 2447

07-R-2138 (3) A Resolution by Councilmember Ceasar C. Mitchell to support H.R. 2447 to establish an Energy and Environment Block Grant Program that is presently before the United States Congress; and for other purposes. **(Held, 10/10/07)**

HELD

TO ENDORSE HR 3535 HOMEBUYER'S PROTECTION ACT OF 2007

07-R-2139 (4) A Resolution by Councilmember Ceasar C. Mitchell to endorse HR 3535 Homebuyer's Protection Act of 2007 pending in the United States Congress; to urge the Georgia Congressional Delegation to support the Act; and for other purposes. **(Held, 10/10/07)**

HELD

TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT

08-R-0510 (5) A Resolution by Councilmembers Howard Shook and Cleta Winslow authorizing the Mayor to enter into an Intergovernmental Agreement with the Fulton County District Attorney for a period of three years in an amount not to exceed twenty six thousand dollars and no cents (\$26,000.00) per month for services for the City of Atlanta under for Consultation and Support Services to Victims and Witnesses of Crime; all contracted work to be Charged and Paid From Fund, Account and Center Number 3P01 (Agency Fund) 264017 (Muni Court VW ASST PRG (MCVW) A00001 (Balance Sheet Center); and for other purposes. **(Held, 3/12/08)**

HELD

TO IMPLEMENT A COST NEUTRAL DEFERRED RETIREMENT OPTION RETIREMENT PLAN

08-O-0736 (6) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to engage on behalf of the City of Atlanta to establish and implement a Cost Neutral Deferred Retirement Option Retirement Plan as an additional benefit for the members of the City of Atlanta Firefighter's Pension Fund and the City of Atlanta Police Officers Pension Fund; and for other purposes. **(Held, 5/14/08)**

HELD

TO PROVIDE FOR THE ISSUANCE AND SALE OF TAX ALLOCATION BONDS (PERRY BOLTON PROJECT), SERIES 2008

08-O-0822 (7) An Ordinance by Councilmember Felicia A. Moore to provide for the Issuance and Sale of Tax Allocation Bonds (Perry Bolton Project), Series 2008, in the aggregate principal amount not to exceed \$1_____ (the "Series 2008 Bonds"), to pay, or to be applied or contributed toward, the payment of redevelopment costs associated with the Projects identified on Schedule 1 hereto (the "2008 Projects"); to authorize paying expenses incident to accomplishing the foregoing; to authorize the execution of a Indenture of Trust, a Bond Placement Agreement, Separate Development Agreements with the developers of each of the 2008 Projects and approving the use and distribution of a Preliminary Limited Offering Memorandum and Final Limited Offering Memorandum; to clarify the intent of the initial Resolution (as defined herein) with respect to the termination of the Perry Bolton TAD (as defined herein) and for certain other purposes, all in connection with the Issuance and Sale of the foregoing described Series 2008 Bonds. **(Held, 4/30/08)**

HELD

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA

08-O-0829 (8) An Ordinance by Howard Shook 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 3, Section 2 -302© so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in taxes, fees, or bond indebtedness; and for other purposes. **(3rd Reading/Final Adoption); (Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER TWO, ARTICLE VI, DIVISION 2, SUBDIVISION II, SECTION 2-351

08-O-0830 (9) An Ordinance by Howard Shook to amend Chapter Two, Article VI, Division 2, Subdivision II, Section 2-351 (Entitled, "Authorization to Issue Commercial Paper.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to

approve any ordinance that would result in an increase in Bond Indebtedness; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER 146, DIVISION 1, ARTICLE, SECTION 146-26

08-O-0831 (10) An Ordinance by Howard Shook to Amend Chapter 146, Division 1, Article II, Section 146-26 (Entitled, "Levy."), Chapter 146, Article II, Section 146-79 (Entitled, "Levied.") and Chapter 146, Article IV, Section 146-113 (Entitled, "Excise Tax Levied; Collection.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in taxes; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION 1, SECTION 2-69

08-O-0833 (11) An Ordinance by Howard Shook to amend Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 (Entitled, "Quorum; Vote Required for Passage of Legislation.") and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96© (Entitled, "Presence at Meetings; Voting on Questions.") of the Code of Ordinances of the City of Atlanta, so as to require an Affirmative Vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in new fees and taxes or an increase in existing taxes, fees, or bond indebtedness; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-105

08-O-0834 (12) An Ordinance by Councilmember Howard Shook as amended by Finance /Executive Committee to amend Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 (Entitled, "Establishment or Change in Fees for Service; Notice to Public.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in new fees and an increase in fees; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND THE FY 2009 BUDGET

08-O-1446 (13) An Ordinance by Councilmember C.T. Martin to amend the FY 2009 Budget so as to add to the Budget, Funding of the Judicial Agencies in the amount of \$350,000.00; to reduce the adopted Budget by said amount; and for other purposes. **(Referred back by Full Council, 2/16/09); (Held, 2/25/09)**

HELD**TO AMEND THE PENSION ACTS**

08-O-1545 (14) An Ordinance by Councilmember C.T. Martin to amend the Pension Acts applicable to members of the General Employees Pension Fund of the City of Atlanta, so as to provide for a Retirement Program for employees involuntarily separated to balance the City of Atlanta 2009 and 2010 Fiscal Year Budgets and for Reorganization of the Workforce; and for other purposes. **(Held for Actuary Report, 7/30/08); (File, 2/11/09); (Referred back from Full Council, 2/16/09); (Held, 2/25/09)**

HELD

Councilmember Martin stated that there are 13 people who fit this category. All of them are below a pay grade 7 or 9. Chairperson Shook stated that this was done twice before. We could have violated the law. Councilmember Martin stated that it is up to the Council. CFO Glass responded that we had more people at the time. The cost was \$100,000 then. It will be a much smaller amount now. Councilmember Maddox asked for the City Attorney to come up. He does not want to keep breaking the law. Senior Assistant City Attorney Andrews responded that he would find out from the Interim City Attorney. CFO Glass responded that the Pension Board approved it. He would have to do an Actuary. Councilmember Moore asked if this list is the completed list. Councilmember Martin stated that he asked the Department of Human Resources who would be impacted. Councilmember Moore stated that it is the people who was Riffed in the 2009/2010 Budget. Councilmember Smith stated that this seems like it is wrong. The position titles are wrong. Councilmember Martin asked if it could be sent forward.

Ms. Sherry Dickerson: of the Department of Human Resources addressed the Committee by stating that the list includes all of the people Riffed from this point back. Councilmember Moore stated that she knows one person in particular. Ms. Dickerson responded that if she retired, she would not be on the list. Councilmember Smith asked about #3 and #4. Ms. Dickerson responded that there may be some in Records Management. The people who are Riffed cannot be promoted. Councilmember Smith stated that she does not want to do something where we are bringing back obsolete positions. Councilmember Winslow asked if we are giving them additional time. Ms. Dickerson responded that their time is when they were with the City. They are vested. Councilmember Winslow asked if we approve the paper, do they get the 30 and out.

Mr. Jack Tilson: Senior Assistant City Attorney addressed the Committee by stating that it would be 50% in the penalty. The issue is that under the Pension law, you are entitled to the benefits the last day of employment. The Council cannot amend the plan or make the benefits retroactive. This legislation is programmatic. We can't go back and waive the contract terms. Councilmember Winslow asked why haven't they applied for their pension? Senior Assistant City Attorney Tilson responded because of the severity of the age penalty. This paper intends to reduce the penalty by 50%. Councilmember Martin asked if this is illegal, the Law Department has had plenty of time to say so. He wants the information as soon as possible as well as on Resource Mosiac and ACTIV.

TO AMEND THE FY 2009 (GENERAL FUND) BUDGET

08-O-1688 (15) An Ordinance by Councilmember Ceasar C. Mitchell to amend the FY 2009 (General Fund) Budget to reopen and maintain Atlanta Fire Station No. 7 by Transferring Appropriations from various Consulting, Supply, Travel and Other Non-Personnel Accounts yet to be determined to the Department of Fire and Rescue Budget Fund Department Account and Organization Number; and for

other purposes. **(Forward with no Recommendation, 8/27/08); (Forwarded back by Full Council, 9/2/08); (Held, 9/10/08)**

HELD

TO ESTABLISH A CITY OF ATLANTA TAXATION AND SERVICE DELIVERY TECHNICAL ADVISORY COMMITTEE

08-R-1752 (16) A Resolution by Councilmember Mary Norwood establishing a City of Atlanta Taxation and Service Delivery Technical Advisory Committee; and for other purposes. **(Held, 9/10/08)**

HELD

TO ACCEPT A DONATION IN THE AMOUNT OF \$ _____

08-O-2034 (17) An Ordinance by Councilmember Cleta Winslow authorizing the Mayor or her Designee to accept a donation in the amount of \$_____ from the Atlanta Fire Foundation on behalf of the Atlanta Department of Fire and Rescue to fund the renovation of Fire Station #7; and for other purposes. **(Held, 10/15/08)**

HELD

TO AMEND CHAPTER 114 ARTICLE IV DIVISION 12 SECTION 14-379

08-O-2135 (18) An Ordinance by Councilmembers H. Lamar Willis and C.T. Martin to amend Chapter 114 Article IV Division 12 Section 14-379 of the Code of Ordinance of the City of Atlanta so as to provide for Written Justification and Hearing for any Reduction In Force by Executive or Legislative Actions involving Public Safety and Court Employees; to waive conflicting Ordinances; and for other purposes. **(Held, 10/29/08); (Held and Substituted, 11/12/08); (Held and Substituted, 4/29/09)**

HELD

TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC.

09-R-0183 (19) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with Motorola, Inc. utilizing the State of Georgia Technology Authority Agreement No. 980-2800008 for the purchase of a Georgia Global Positioning System Two-Way Radio Communication Equipment, on behalf of the Department of Watershed Management, Office of Safety and Security, in an amount not to exceed three hundred seventy-five thousand seven hundred fifty dollars and no cents (\$375,570.00); all contracted work will be charged to and paid from Fund, Department Organization and Account Number 5052 (Water & Wastewater Revenue) 170902 (DWM Watershed Safety) 5212001 (Consulting/Professional) 1555000 (Risk Management); and for other purposes. **(Held, 1/28/09)**

HELD

TO AMEND CHAPTER 62, ARTICLE II, SECTION 62-46

09-O-0203 (20) An Ordinance by Councilmember Ceasar C. Mitchell to amend Chapter 62, Article II, Section 62-46 of the Code of Ordinances of

the City of Atlanta, Georgia (Entitled "Pretrial Diversion Fee") so as to specify the General Fund uses for which the fees shall be allocated; to waive conflicting Ordinances; and for other purposes. **(Held, 1/28/09)**

HELD

TO ENTER INTO AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (IGA)

09-R-0263 (21) A Resolution by Councilmember Ivory Lee Young, Jr. authorizing the Mayor or her designee to enter into an amendment to the Intergovernmental Agreement (IGA) authorized by Resolution 08-R-1694 with the Atlanta Development Authority so as to ensure that the expenditure of Westside TAD Funds through In Rem action can be used to effect not only the demolition of also the Clean and Close of structures located within the English Avenue Neighborhood identified as abandoned and/or dilapidated by the Bureau of Code Compliance; and for other purposes. **(Held, 2/11/09)**

HELD

TO PROPOSE THE CREATION OF THE SOUTHWEST ATLANTA COMMUNITY IMPROVEMENT DISTRICT

09-R-0264 (22) A Resolution by Councilmembers H. Lamar Willis and Jim Maddox proposing the creation of the Southwest Atlanta Community Improvement District as authorized by the General Assembly of the State of Georgia in the Atlanta Community Improvement District Act, contingent upon the consent of the majority of the owners of real property within the District boundaries; and for other purposes. **(Held, 2/11/09)**

HELD

TO PROVIDE A REPORT TO THE FULL COUNCIL

09-R-0270 (23) A Resolution by Councilmember Mary Norwood requesting the Department of Finance to provide a report to the Full Council regarding the Plan of Financing for Department of Watershed Projects to be funded by Commercial Paper; and for other purposes. **(Held, 2/11/09)**

HELD

TO CREATE A NEW SECTION 3-502.1

09-O-0271 (24) An Ordinance and Charter Amendment by Councilmembers C.T. Martin, Ivory Lee Young, Mary Norwood, Anne Fauver and Natalyn Archibong adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965 (GA. Laws 1965, p. 298, et seq.) as amended, to create a new Section 3-502.1 (entitled "Ordinance Required To Impose Furloughs on certain Public Safety Employees") of the Charter of the City of Atlanta, Georgia (GA Laws 1996, P. 4469, et seq.) approved April 15, 1996, as amended, which shall provide that an Ordinance adopted by a majority vote of the Council shall be required in order to impose furloughs on certain Public Safety Employees; to repeal

conflicting Ordinances and Charter Amendments; and for other purposes. **(Held, 2/11/09)**

HELD

TO TRANSFER \$50,000.00 FROM DISTRICT 8 COUNCILMEMBER EXPENSE ACCOUNT

09-O-0377 (25) An Ordinance by Councilmember Clair Muller to transfer \$50,000.00 from District 8 Councilmember Expense Account to the Department of Public Works Office of Transportation to be used to assist in funding portions of the Peachtree Battle Neighborhood Intersection Project; and for other purposes. **(Held, 2/25/09)**

HELD

TO AMEND ATLANTA CODE OF ORDINANCES CHAPTER 46

09-O-0803 (26) An Ordinance by Finance/Executive Committee amending Atlanta Code of Ordinances Chapter 46, entitled Civic and Cultural Affairs, by adding a new Article IV that shall be entitled Entertainment Filming Fees; and for other purposes. **(Held, 5/13/09); (Held and Substituted, 10/28/09)**

HELD AND SUBSTITUTED

Mr. Pridgeon stated that we have a Substitute. We met seven months with the industry. We promised to come together as a unit. We are giving an incentive to the film companies. We do not want to do anything to harm them. We have worked diligently. Please File or Hold the paper. There is months of work in here. We want to accept the Substitute and Hold it. Councilmember Smith stated that she appreciates you bringing this forward. Councilmember Maddox offered a motion to accept the **Substitute and Hold, 4 Yeas, 1 Nay.**

TO CREATE THE POSITION OF CITY COUNCIL FISCAL REVIEW MANAGER

09-R-0817 (27) A Resolution by Councilmember Clair Muller creating the position of City Council Fiscal Review Manager, a position on the Council Staff that will review all Legislation with will have a fiscal impact. **(Held, 4/29/09)**

HELD

TO REPEAL SUBPARAGRAPH (K) (5) OF SECTION 2-36 AND SUBPARAGRAPH (E) OF SECTION 2-39 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA

09-O-0818 (28) An Ordinance by Councilmember Howard Shook to repeal Subparagraph (k) (5) of Section 2-36 and Subparagraph (e) of Section 2-39 of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the "Cash Carryforward" Provision related to the Expense Accounts and Appropriations of the Council President and Councilmembers; to waive conflicting Ordinances; and for other purposes. **(Held, 4/29/09)**

HELD

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

09-O-0820 (29) An Ordinance by Councilmember H. Lamar Willis to amend Article “V” Classification Plan, Section 114-477 of the Code of Ordinances, City of Atlanta, Georgia, so as to create certain positions; and for other purposes. **(Held, 4/29/09)**

HELD

TO EXECUTE A GROUND SITE LEASE WITH CLEARWIRE US LLC

09-O-1053 (30) An Ordinance by Finance/Executive Committee authorizing the Mayor or her Designees to execute a ground site lease with Clearwire US LLC for the purpose of providing Wireless Communication Services; and for other purposes. **(Held, 7/1/09)**

HELD

TO ACCEPT AND ENTER INTO A CONTRACTUAL AGREEMENT

09-O-1184 (31) An Ordinance by Finance/Executive Committee authorizing the Mayor to accept and enter into a Contractual Agreement between the City of Atlanta and the Georgia Environmental Facilities Authority (“GEFA”) State Revolving Fund Loan Program for the purposes of securing a subsidized loan under the Clean and Drinking Water State Revolving Fund; to amend the FY 2010 Budget to anticipate and appropriate funds in the amount not to exceed fifteen million dollars and no cents (\$15,000,000.00); and for other purposes. **(Held, 7/15/09)**

HELD

TO AMEND CHAPTER 114, DIVISION 14, SECTION 114-429

09-O-1217 (32) An Ordinance by Councilmember Carla Smith to amend Chapter 114, Division 14, Section 114-429 (a) and (e) of the City of Atlanta Code of Ordinances entitled “Voluntary Shared Leave Program’, to revise the Section to include the donation of Reserve Sick Leave; and for other purposes. **(Held, 7/15/09)**

HELD

TO ACCEPT THE DONATION OF A WIND TURBINE

09-R-1365 (33) A Resolution by Finance/Executive Committee authorizing the Mayor to accept the donation of a wind turbine valued at twenty thousand dollars (\$20,000.00) from Southeast Energy Efficiency Alliance and the Gates Foundation, on behalf of the Office of the Mayor, to create a Demonstration Renewable Energy Project at Hemphill Water Treatment Facility; and for other purposes. **(Held, 7/29/09)**

HELD

TO RECOMMEND THAT THE REMAINING CITY OF ATLANTA TITLE XX ALLOCATION

09-R-1409 (34) A Resolution by Councilmembers Kwanza Hall, Clela Winslow, Jim Maddox, H. Lamar Willis, Ceasar C. Mitchell, Ivory Lee

Young, Jr., Natalyn Archibong and Mary Norwood recommending that the remaining City of Atlanta Title XX Allocation of \$42 million (ACORA Funds) be placed in a Revolving Loan Fund to the Atlanta City Credit Union; and for other purposes. **(Held, 7/29/09)**

HELD

TO CREATE A NEW SECTION 2-45

09-O-1650 (35) An Ordinance by Councilmember C.T. Martin to create a new Section 2-45 of the Code of Ordinances of the City of Atlanta, Georgia, located under Chapter 2 (Administration), Article II (Council), Division 1 (Generally), and currently designated as "Reserved", to be re-designated as "Access to City-Owned or City-Affiliated Parking Facilities by Members of the Atlanta City Council", so as to provide that Members of the Atlanta City Council shall, upon request, to be provided with access cards, at no cost to the Council Member, for the purpose of gaining vehicular access to any Parking Facility owned by the City of Atlanta or an facility affiliated with the City of Atlanta; to waive conflicting Ordinances; and for other purposes. **(Referred back Committee On Council to Finance/Executive Committee at Full Council, 9/21/09); (Held, 9/30/09)**

HELD

TO WRITE-OFF \$811,011.36 OF UNCOLLECTIBLE WATER AND WASTEWATER ACCOUNTS RECEIVABLE

09-O-1701 (36) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to write-off \$811,011.36 of uncollectible water and wastewater accounts receivable with balances extending beyond the statute of limitations; and for other purposes. **(Held, 10/14/09 by the Committee for further review)**

HELD

TO PROVIDE FOR THE ANNEXATION OF 4776 CAMPBELLTON ROAD

09-O-1797 (37) An Ordinance by Councilmember Jim Maddox to provide for the annexation of 4776 Campbellton Road (Parcel ID #14F-0065-0001-003-0), Parcel Identification #14F-0076-LL-008-8 (A.K.A. Kenny Rd, Rear), 2167 Alan Drive (Parcel ID #14F-0065-0001-013-9) to the corporate limits of the City of Atlanta, Georgia pursuant to 60% method of annexation; to authorize the Law Department to seek preclearance from the United States Department of Justice and to notify the Georgia Department of Community Affairs of such annexation; and for other purposes. **(Held for Public Hearing on November 9th @ 10:00 a.m. in Committee Room #2, 10/14/09)**

FAVORABLE

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

TO EXECUTE MASTER IT ON-CALL STAFFING AGREEMENTS WITH CDI IT SOLUTIONS

09-R-1867 (38) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to execute Master IT On-Call Staffing Agreements with CDI IT Solutions, a division of CDI Corporation, 3I People, Inc., Think Development Systems, Inc., First Pro, Inc., Techni-Source, Inc., and Stellar Services for FC-4900, On-Call Information Technology Staffing Services; authorizing the Chief Information Officer for the Department of Information Technology and the Aviation Assistant General Manager – Information Services Division to execute all statements of work. All contracted work will be charged to and paid from Various Accounts not to exceed \$1,000,000.00 per year for each Department. **(Held, 10/28/09); (Finance/Executive Committee..., 12/2/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas.**

Mr. Robert Broome: Director of Governmental Affairs for Georgia Realtors addressed the Committee by stating that the Atlanta Sustainability meeting had an Amendment. It says that the mandatory financial incentives is for green building. The Amendment was objected and the paper was sent to Full Council with no Recommendation. The CFO told us that now is not the right time. All of our negotiations were predicated on the industry being able to work on certain mandates to get incentives to offset the costs. He wants your support. He is asking for the support for Amendment #6. Councilmember Moore stated that the Ordinance has requirements. If the industry meets targets for new construction, they are using green builders anyway. For existing buildings, there is a phased in approach. The incentives would be specific to existing builders.

Mr. Dave Walker: addressed the Committee by stating that sustainability is government intrusion. These green houses that are mandated is a way that America's economy will get ditched. Al Gore has the largest carbon foot print in America regarding going green. He has the biggest house in Texas. Nobody violated the forest like the Vikings. Trees are already invented. God has already made an environmental stage.

Mr. Leonard Tate: addressed the Committee by stating that he is going home and studying this. One of the things that happen is when there is a new administration a lot of stuff gets rushed in to get passed. Try to look for the fine print.

TO REPEAL PART TWO, ARTICLE X

09-O-1876 (39) An Ordinance by Councilmembers Ceasar C. Mitchell, C.T. Martin, Jim Maddox, Joyce Sheperd, Ivory Lee Young, Jr., Felicia A. Moore, Clair Muller, Mary Norwood, Carla Smith, Cleta Winslow, Natalyn Archibong, Howard Shook and Kwanza Hall to repeal Part Two, Article X known as the "Procurement and Real Estate Code" of the Code of Ordinances of the City of Atlanta so as to enact a new Part Two, Article X known as the "Procurement and Real Estate Code", to promote the economic welfare of the people of the City of Atlanta; to promote full and equal business opportunity for all persons doing business with the City of Atlanta; to promote commerce by assisting Small Business Enterprises (SBEs) to actively participate in the City of Atlanta's Procurement Process; to eliminate disparities in the utilization of

Minority and Female Business Enterprises in the Greater Atlanta Metropolitan Area; to repeal conflicting Ordinances; and for other purposes. **(Held, 10/28/09)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore offered a motion to **Approve on Substitute, 4 Yeas**. Acting City Attorney Bhandari responded that page #27 was updated and changed out.

TO AMEND THE FY 2010 (_____) BUDGET

09-O-1898 (40) An Ordinance by Finance/Executive Committee amending the FY 2010 (_____) Budget by adding to anticipations and appropriations in the amount of \$ _____ for funding received from the Federal Emergency Management Agency for damage to City-Owned Property caused by flooding which occurred as a result of heavy rainfall beginning September 18, 2009; and for other purposes. **(Held, 11/9/09)**

HELD

TO AMEND CHAPTER 114, PERSONNEL, ARTICLE “V”, CLASSIFICATION PLAN

09-O-1912 (41) An Ordinance by Councilmember Clair Muller to amend Chapter 114, Personnel, Article “V”, Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to create a position, reclassify a position and provide above entry hiring authorization in the Division of Sustainability; and for other purposes. **(Held, 11/9/09)**

FAVORABLE

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

TO AMEND THE FY 2010 (INTERGOVERNMENTAL GRANT FUND) BUDGET

09-O-1913 (42) An Ordinance by Councilmember Clair Muller amending the FY 2010 (Intergovernmental Grant Fund) Budget, Department of Executive Offices, by adding to Anticipations and Appropriations in the amount of \$5,658,264.00 for the U.S. Department of Energy’s Energy Efficiency and Conservation Block Grant; and for other purposes. **(Held, 11/9/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute. Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas**.

Ms. Mandy Mahoney: of the Mayor’s Office of Sustainability addressed the Committee by stating that the Substitute corrects typos. Councilmember Moore asked who are the organizations? Ms. Mahoney responded church buildings that have church halls, etc. All of the funding is listed in Section 3. We received the Green City certification from the Atlanta Regional Commission. Councilmember Maddox asked how do they apply? Ms. Mahoney responded that the churches would go and apply for them. Councilmember Maddox asked if all churches have access to it. Ms. Mahoney responded that they work with the pastors.

TO EXECUTE RENEWAL AGREEMENT NO. 1 OF THE MEMORANDUM OF UNDERSTANDING (MOU)

09-R-2013 (43) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Renewal Agreement No. 1 of the Memorandum of Understanding (MOU) with the Atlanta Workforce Development Agency for the purpose of continuing the Culinary Training Program in the City Hall Cafeteria, in an amount not to exceed twenty-five dollars and zero cents (\$25.00) monthly. All revenue received pursuant to this Memorandum of Understanding (MOU) shall be deposited into 1001 (General Fund), Department 000002 (General Revenue Org), Account 389003 (Food, Drink & Notions), Function Activity 0000, and for other purposes. **(Held, 11/9/09)**

HELD

ITEMS NOT ON THE AGENDA

TO AUTHORIZE THE FINAL NEGOTIATION AND PREPARATION

09-R-2196 (1) A Resolution by Finance/Executive Committee to authorize the final negotiation and preparation of the necessary agreements to memorialize the intent of the elected Officials of the City of Atlanta and Fulton County for the lease/purchase of the Atlanta Detention Center; and for other purposes.

FAVORABLE

Chairperson Shook stated that Fulton County Substituted the last page of the Amendment.

Mr. Rob Moss: of New York addressed the Committee by stating that he is working on the lease/purchase. Councilmember Moore offered a motion to Hold. We cannot make a decision to sale the jail at the last meeting. The new Administration has not had an opportunity to review this. Councilmember Maddox stated that he would like to hear from the Administration regarding the urgency. Mr. Pridgeon responded that the City is interested in cost savings for our jail operations. It is in the best interest to move forward. It is in our best ability to assist the County. This is not a final piece of legislation. The County is under the gun to remedy their situation. We can save millions per year. One alternative is renting beds to the County. We are responsible for the jail. Third is to have a lease purchase agreement for the County. It does not mean it is the only alternative to discuss. We have provided some of the details. It is in the best interest of the City to look at this option. We have a great deal of work to do. Mr. Pridgeon responded that three Councilmembers and the Mayor attended a meeting with Fulton County. Chairperson Shook stated that he, Councilmebers Winslow and Moore are not in agreement on what to do.

Mr. Dave Edwards: Mayor's Office Program Manager addressed the Committee by stating that today we want to get Council's support. This is an Agreement that can generate over \$16 million dollars per year. Councilmember Moore stated that she is concerned that there is no one who is not favorable with moving forward with the jail. She cannot agree on a Resolution that sets out terms. This needs further discussion. Councilmember Maddox stated that the papers have not been voted in. Chairperson Shook stated that this is a last minute thing. Mr. Pridgeon responded that the Mayor wanted to present what she thought was from the discussions that occurred. This matter has been around since July. It is a combination from elected Officials. She wants it known that she is in support of the Resolution. It would be good for the County. Senior Assistant City Attorney Andrews responded that when we sale to an individual, there is a big process. Involving a third party makes it questionable.

Councilmember Moore asked what are our options? Mr. Edwards responded that there were three options. We will be able to pay off our COPs Bonds. We will lease beds for \$71 dollars per day. We are leasing the Courthouse for \$1 year. Page #4 is the economics of it. We spend about \$20 on Debt Service. Our net cost is \$26.6 million dollars. We will lease beds from the County for \$71 dollars per day. The net impact is around \$16 million dollars. The last page is the economic deal over 15 years. We want to continue a momentum. The County Commission is working on legislation to execute the Agreement. The Resolution expresses our intent to move forward. Councilmember Maddox stated that he is concerned because the private entity has made some indication that they can save the City money up front. You have to go through the bidding process to consider that. You can deal with other governments without going through the bidding process. Senior Assistant City Attorney Andrews responded that you want to get the best deal. Councilmember Maddox stated that we are treading on legal ground. Mr. Edwards responded that several private entities have indicated how they could process the agreement. We prefer to lease it to the County. We will sell the building to the County. Councilmember Winslow stated that she is concerned about going out to bid on something because the Bond market is shaky right now. She wants Council to be briefed on this. What is the Bond Market looking like next year? CFO Glass responded that the constituents are taxpayers of the City. Bringing in a third party is a cost to the City. The cleanest deal is that it is a piece of collateral. He does not know any other way to get it done. Next year it won't be \$16 million dollars, it will be \$11 million dollars. You will need something like this if the digest does not change. He views it as something that moves this forward. He questions if going into the private sector is the right thing for the taxpayers. Councilmember Maddox offered a motion to **Approve, 3 Yeas, 1 Nay, 1 Abstention**. If we were in a bind with the federal courts we would want someone to assist us too. Councilmember Moore stated that she is not opposed to working with Fulton County, but she is opposed to the legislation coming to us at the last minute.

TO CORRECT RESOLUTION 09-R-1505

09-R-2197 (2) A Resolution by Finance/Executive Committee correcting Resolution 09-R-1505 adopted by the Atlanta City Council on September 8, 2009, which authorized the Mayor or her designee to execute a contract on behalf of the Department of Finance with Iron Mountain for the removal and storage of records currently stored at City Hall East to include a contract provision for periodic contract increases subject to the appropriation of funds therefore; and for other purposes.

FAVORABLE

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

TO ENTER INTO AMENDMENT AGREEMENT NUMBER 1

09-R-2198 (3) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into Amendment Agreement Number 1 with Site Engineering, Inc. for FC-4926, Annual Contract for Streambank Stabilization and Bio-Engineering Systems to amend the Agreement to include the Department of Parks, Recreation and Cultural Affairs as an additional user; on behalf of the Department of Watershed Management for Streambank Stabilization in an amount not to exceed \$116,213.43; all contracted work shall be charged to and paid from the Account Segment/PTAEO Numbers identified in this resolution; and for other purposes

FAVORABLE

Chairperson Shook offered a motion to **Approve, 5 Yeas.**

TO DESIGNATE MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED

09-R-2199 (4) A Resolution by Finance/Executive Committee for the Atlanta City Council designating Merrill Lynch, Pierce, Fenner & Smith Incorporated, Rice Financial Products Company and Grigsby & Associates as Co-Senior Managers for the Underwriting of the City of Atlanta's Airport General Revenue Refunding Bonds, Series 2009A in the aggregate principal amount of not to exceed \$590,000,000.00, Airport General Revenue Bonds, Series 2009B and Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds, Series 2009C in the combined aggregate principal amount of not to exceed \$800,000,000.00; and for other purposes.

FAVORABLE

Chairperson Shook stated that this can be costly for the Airport. CFO Glass responded that he heard the Council loud and clear today regarding if the Council wants to pass a Resolution. The Interim CFO has a direction to go, but it is the will of the Council. He has had problems with what has happened. He has made mistakes. He heard differently today. Council seems to want three Co-Counselors. This provides the necessary justification for making the decision. Councilmember Moore stated that when the issue got blown up, she never got into the discussion regarding co-booking, etc. She wanted some basic foundation to make a decision. If Councilmembers wanted to do this, this could be the Resolution to amend. She is inclined to approve this Resolution with some policies of the results that we say that we want. Once Griztly was added is when all of the mess started. Adding four or five people down the line can be problematic. Since they were told to be co-managers, she will leave it that way. This is such a mess. Council needs to approve this or amend it. Chairperson Shook stated that it would solve that issue, but there is a policy gap. Councilmember Moore stated that a policy decision is not going to be an overnight thing. She then offered a motion to send it Forward With No Recommendation. Chairperson Shook wants to vote on it as it is and amend it. Councilmember Winslow asked what is the normal process? Ms. Pigler responded that the City did an RFP in 2005 and selected a pool of Underwriters. All of the people were on the list. For each transaction, another RFP was done based on specific criteria. She tried to get timely information on firms. Councilmember Maddox asked what does this Resolution do? Chairperson Shook stated that this Resolution sets forth in detail the team. Councilmember Winslow stated that we should not get into what the percentage should be for minority people. It is very inappropriate. CFO Glass responded that he proposed this because he is at the point because three things have to occur. Council has to assert its will. It needs to be done as a body. Honoring what people perceive to be doing is not in the Code. The Code says it is the CFO, but Council wants to see us move forward with moving the minority firms up to co-book runners. The next CFO will honor the wishes of the Council. He would go back to the original words. If you want to amend the Resolution, give us the direction to follow. Councilmember Winslow stated that she does not want to get into the business of giving 35%. Chairperson Shook offered a Substitute motion to **Approve, 4 Yeas, 1 Abstention.**

TO EXECUTE THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT

09-R-2200 (5) A Resolution by Finance/Executive Committee authorizing the Mayor to execute the First Amendment to the Intergovernmental Agreement by and among the City of Atlanta, the Atlanta Development Authority and the Atlanta Independent School System dated January 1, 2004 in connection with the Tax

Allocation District Number Three-Perry/Bolton; and for other purposes.

FAVORABLE

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

Chairperson Shook stated that we have a Work Session on the Five Year Plan. Councilmember Maddox thanked the Committee. He has an interest in the international arena. This has been a hard working Committee. Chairperson Shook said that it is going to be surreal not having him here.

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Roosevelt Council, Interim CFO

Charlene Parker
Recording Secretary

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