

ATLANTA CITY COUNCIL

ACTION/MINUTES

OCTOBER 05, 2009

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, October 05, 2009. The Meeting convened at 1:09 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

PRESIDER: The Honorable Council President Lisa M. Borders presided.

Attendance:

The following (14) voting members were present at the Meeting:

The Honorable Carla Smith *1:11	The Honorable Felicia A. Moore
The Honorable Kwanza Hall *1:15	The Honorable C. T. Martin
The Honorable Ivory L. Young	The Honorable Jim Maddox
The Honorable Clela Winslow *1:34	The Honorable Joyce Sheperd
The Honorable Natalyn Archibong	The Honorable Ceasar C. Mitchell
The Honorable Anne Fauver	The Honorable Mary Norwood
The Honorable Clair Muller	The Honorable H. Lamar Willis *1:14

***Arrival Time:** - indicates arrival after convening roll call.

Councilmember Howard Shook was absent.

INVOCATION: Chaplain Carolyn McDuffy of the Atlanta Fire and Rescue gave the invocation.

PLEDGE OF ALLEGIANCE: In unison, lead by Councilmember Jim Maddox, the Council recited the Pledge of Allegiance to the flag of the United States of America.

REPORT OF THE JOURNAL: Rhonda Dauphin Johnson, Municipal Clerk, certified to the Council and the Committee on Council that the **Action/Minutes** of the **September 21, 2009** Regular Meeting are true and correct. The Minutes were **FILED** without objection.

COMMUNICATIONS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMUNICATIONS

- 09-C-1658 (1) A Communication by **Mayor Shirley Franklin** re-appointing Ms. Gloria Leonard to serve as a member of the Civil Service Board on behalf of the City of Atlanta. This re-appointment is for a term of three (3) years to expire on December 03, 2010.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 09-C-1659 (2) A Communication by **Mayor Shirley Franklin** appointing Mrs. Hazel Jacobs to serve as a member of the Civil Service Board on behalf of the City of Atlanta. This appointment is to fill the unexpired term of Ms. Carole Dortch which expires 5/21/2010.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 09-C-1725 (3) A Communication by **Municipal Clerk Rhonda Dauphin Johnson** submitting a report of administrative corrections made to previously adopted legislation between the Council's regular meeting dates of September 21, 2009 and October 05, 2009 to the Atlanta City Council in accordance with Section 2-275 of the Atlanta City Code of Ordinances. (08-O-2137)
FILED WITHOUT OBJECTION
- 09-C-1726 (4) A Communication by **Mayor Shirley Franklin** re-appointing Mr. Lawrence Ashe to serve as a member of the Piedmont Park Conservancy Board for the City of Atlanta. This re-appointment is for a term of one (1) year to begin retroactively on January 07, 2009 and expire January 07, 2010, and does not require Council confirmation.
FILED WITHOUT OBJECTION
- 09-C-1727 (5) A Communication by **Mayor Shirley Franklin** re-appointing Ms. Candace N. Smith to serve as a member of the Piedmont Park Conservancy Board for the City of Atlanta. This re-appointment is for a term of one (1) year to begin retroactively on June 17, 2009 and expire June 17, 2010, and does not require Council confirmation.
FILED WITHOUT OBJECTION

VETOED LEGISLATION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

VETOED LEGISLATION

NONE

UNFINISHED BUSINESS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

UNFINISHED BUSINESS

NONE

**CONSENT AGENDA
SECTION I**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA

There was no separate discussion of the following items with the exception of items 09-R-1663, 09-R-1664, 09-R-1665, 09-R-1707, 09-R-1708, 09-R-1710 and 09-R-1711 which were removed from the Consent Agenda, and considered separately per Rules for the Conduct of Business of the Council of the City of Atlanta (As Amended), Rule XI; Order of Business, SECTION 11.2; Consent Agenda.

The following CONSENT AGENDA SECTION I received a Favorable Recommendation and was Adopted in accordance with Section 11.2 by the following roll call vote: **14 Yeas:** Councilmembers Smith, Hall, Young, Winslow, Archibong, Fauver, Muller, Moore, Martin, Maddox, Sheperd, Mitchell, Norwood and Willis; **0 Nays.**

SECTION I

ORDINANCES FOR SECOND READING

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, VICE-CHAIR

09-O-1630 (1) 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 provision of the Kronos, Incorporated Time and Attendance System Maintenance and Support from April 28, 2009 to October 14, 2009 and, utilize Georgia Technology Authority Contract #GTA000144 to purchase the Maintenance and Support for one year with two (2) one-year Renewal Options in an amount not to exceed \$136,446.80; per year; to purchase Upgrade Software and Hardware in an amount not to exceed \$249,125.00, and to authorize up to three months of Bridge Funding in an amount not to exceed \$25,965.00 for a total of \$411,563.80; 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.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, VICE-CHAIR

09-O-1631 (2) A **Substitute** Ordinance by **Finance/Executive Committee** authorizing the Mayor or her designee to waive the Application of the Atlanta City Code, Article X, The Procurement and Real Estate Code, and authorizing the Mayor or her designee to ratify the prior provision of the Motorola Maintenance under the Expired Agreement from July 1, 2009 through the present and to enter into an appropriate Renewal Agreement with Motorola, Inc., for the Citywide Radio System Maintenance, effective July 1, 2009 through June 30, 2010, on behalf of the Department of Information Technology, in an amount not to exceed \$272,646.60; all contracted work shall be charged to and paid from Fund, Department, Organization, and Account Numbers: 2151 (Emergency Telephone System) 240207 (APD E-911) 5213001 (Consulting/Professional) 3800000 (E-911) [\$135,493.08]; 5051 (Water & Wastewater Revenue Fund) 170407 (DWM Drinking Water Facility Maintenance) 5222003 (Repair & Maintenance-Other) 443000 (Treatment)[\$23,617.74]; 5051 (Water & Wastewater Revenue Fund) 170201 (DMW Wastewater Treatments and Collections) 5222002 (Repair & Maintenance-Other) 4310000 (Sanitary Administration) [\$23,617.74]; 5502 (Airport Renewal Fund) 180107 (DOA Aviation Information Systems) 5222002 (Repair & Maintenance-Equipment) 7563000 (Airport) [\$89,918.04]; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

09-O-1712 (3) An Ordinance by **Councilmember Cleta Winslow as Substituted by Finance/Executive Committee** transferring funds in the amount of \$5,000.00 from the District 4 Councilmember Expense Account, to the Atlanta Police Foundation for the purpose of supplementing the Reward Fund for information which results in the arrest and conviction of the person or persons responsible for the September 3, 2009 murder of Jasmine Lynn, a 19 year old Spelman College Student; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, VICE-CHAIR

- 09-O-1715 (4) An Ordinance by **Councilmembers Howard Shook and Clair Muller** to support the implementation, funding and creation of the Regional Transit Committee (RTC); to support the mission of RTC to implement the Concept 3 Plan; to authorize the payment of the participation fee from 1001 200401 5236001 9000000; to direct the future funding of RTC by the Chief Financial Officer in future Budgets; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1720 (5) An Ordinance by **Councilmember Anne Fauver as Substituted and Amended by Finance/Executive Committee** transferring funds in the amount of \$49,113.50 from the District 6 Councilmember Expense Accounts to Park Ride to fund the purchase of cameras to be used to assist in monitoring activities in Piedmont Park; and for other purposes.
ADOPTED SUBSTITUTE AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

CITY UTILITIES COMMITTEE

CARLA SMITH, CHAIR

- 09-O-1543 (6) An Ordinance by **City Utilities Committee** authorizing the acceptance of certain new sanitary sewer utility easements in exchange for the abandonment of certain sanitary sewer utility easements that no longer serve a public purpose ("Easement Exchange"); authorizing the abandonment of certain sanitary sewer and/or storm water utility easements of portion thereof when those easements no longer serve a public purpose ("Easement Abandonment"); authorizing the Mayor or her designee to execute all appropriate legal documents and instruments for an easement abandonment or easement exchange, said easement exchange or easement abandonment being limited to those projects required by the Consent Decrees; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

CARLA SMITH, CHAIR

09-O-1544 (7) An Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2010 Budget (2009A Water and Wastewater Bond Fund-5066) in the amount of \$18,500,000.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the Sewer Group 5 & 6 SSES Project; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

09-O-1545 (8) A **Substitute** Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2010 Budget (Renewal & Extension Water and Wastewater Fund-5052) in the amount of \$20,000,000.00 to transfer funds from the General Reserve (5052) for Appropriations and to add to appropriation funds for the repairs to the R. M. Clayton Water Treatment Plant due to flood related damages; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JIM MADDOX, CHAIR

09-O-1556 (9) A **Substitute** Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor or her designee to implement a Grant Program promoting Tree Planting on Private Property located in the City of Atlanta; where the total cost of the Grant Program shall not exceed \$130,000.00 and shall be paid from 7701 (Tree Trust); 250101 (Commissioner DPCD); 5239004 (Service Grants); 1320000 (Chief Executive); 600013 (Project); and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
CLETA WINSLOW, CHAIR

- 09-O-1558 (10) An Ordinance by **Public Safety and Legal Administration Committee** to amend Chapter 10, Article II, Division 3, Section 10-127, entitled Temporary Permit for Non-Profit Civic Organizations, to increase the number of permits that may be issued to an organization in any one calendar year from two to four; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1560 (11) An Ordinance by **Public Safety and Legal Administration Committee** to amend Chapter 106, Offenses and Miscellaneous Provisions, Article V, Offenses by and Against Minors, Section 106-228, same-responsibility of parents, so as to replace improper references to nonexistent sections of the City of Atlanta Code of Ordinances with the proper references to Section 106-227, Curfew-authorized; to repeal conflicting ordinances; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1561 (12) An Ordinance by **Public Safety and Legal Administration Committee** to amend the 2009 (Intergovernmental Grant Fund) Budget, Executive Offices, Mayor's Office of Weed and Seed, by adding to anticipations and appropriations in the amount of \$380,098.00 from the Department of Justice Byrne Discretionary Grant; to rescind Ordinance 09-O-0412; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1562 (13) A **Substitute** Ordinance by **Public Safety and Legal Administration Committee** amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$300,000.00 for Grant Funds from the White House Office of National Drug Control Policy for the continuation of the High Intensity Drug Trafficking Area (HIDTA) Task Force and continued disruption of Drug Trafficking Organizations; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

TRANSPORTATION COMMITTEE

CLAIR MULLER, CHAIR

- 09-O-1620 (14) A **Substitute** Ordinance by **Transportation Committee** authorizing the Mayor or her designee to remove parking restrictions from the North side of Ralph McGill Boulevard, NE, between Central Park Place, NE and Parkway Drive, NE; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1621 (15) An Ordinance by **Transportation Committee** authorizing the installation of one Stop Sign at the intersection of Dallas Street, NE and Glen Iris Drive, NE; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1622 (16) A **Substitute** Ordinance by **Transportation Committee** to restrict Left Turn movements from the Amtrak Train Station Driveway onto Deering Road, NW at Peachtree Street, NW; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1623 (17) An Ordinance by **Transportation Committee** authorizing the installation of All-Way Stop Signs at the intersection of North Pelham Road, NE and East Rock Springs Road, NE until such time that funding for a permanent Traffic Signal can be identified through the Safe Routes to School Program; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1624 (18) An Ordinance by **Transportation Committee** authorizing the installation of All-Way Stop Signs at the intersection of North Morningside Drive, NE and East Rock Springs Road, NE until such time that funding for a permanent Traffic Signal can be identified through the Safe Route to School Program; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

TRANSPORTATION COMMITTEE (CONT'D)

CLAIR MULLER, CHAIR

09-O-1625 (19) An Ordinance by **Transportation Committee** to amend the FY 2010 [Airport Renewal and Extension Fund (5502) and Airport Passenger Facility Charge Fund (5505)] Budgets by transferring to and from appropriations a total amount of \$25,000,000.00 for reimbursement of the Renewal and Extension Fund; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

RESOLUTIONS

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, VICE-CHAIR

09-R-1704 (1) A Resolution by **Finance/Executive Committee** to extend the Service Delivery Strategy (SDS) between the City of Atlanta and DeKalb County through October 31, 2010; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

09-R-1705 (2) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the use of proceeds of the City of Atlanta Tax Allocation Bonds (BeltLine Project), Series 2009; and for other purposes.

**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE
OF 14 YEAS; 0 NAYS**

09-R-1706 (3) A Resolution by **Finance/Executive Committee** authorizing the Mayor, on behalf of the Department of Planning and Community Development, Bureau of Code Compliance, to accept the name change of Citywide Demolition Contractor H&H Demolition & Hauling, Inc. (FC-6006007938A) to Resurgence Demolition, Inc., a Georgia Corporation; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, VICE-CHAIR

- 09-R-1707 (4) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an Appropriate Contractual Agreement with ATC Associates, Inc. and C.E.R.M., Inc. a Joint Venture, for FC-4918A, Geotechnical, Environmental Engineering, Testing and Investigation Services on behalf of the Departments of Planning and Community Development, Public Works, and Parks, Recreation and Cultural Affairs; all contracted work shall be charged to and paid from various Fund, Department Organization and Account Numbers; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall.

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

- 09-R-1708 (5) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an Appropriate Contractual Agreement with United Consulting, Inc., for FC-4918B, Geotechnical, Environmental Engineering, Testing and Investigation Services on behalf of the Departments of Planning and Community Development, Public Works, and Parks, Recreation and Cultural Affairs; all contracted work shall be charged to and paid from various Fund, Department Organization and Account Numbers; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall.

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, VICE-CHAIR

09-R-1709 (6) A **Substitute** 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 the GSA Contract # GS-35F-0742N with Covetrix IT Security Group for Websense Internet Security Software Maintenance and Support for one (1) year on behalf of the Department of Information Technology in an amount not to exceed \$86,300.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services-Capital) 1535000 (Data Processing/Management Information System); and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

09-R-1710 (7) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to execute an Agreement with Carousel Industries of North America, Inc., for Project Number FC-4984 Unified Communication/Telephone Upgrade at the Hartsfield-Jackson Atlanta International Airport in an amount not to exceed \$341,862.85. All services will be charged to and paid from 5502 (Airport Renewal and Extension Fund) 180107 (ISD) 5212001 (Consulting/Professional Services) 7563000 (Airport); and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore.

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, VICE-CHAIR

- 09-R-1711 (8) A Resolution by **Finance/Executive Committee** authorizing the Mayor, on behalf of the Department of Public Works and the Atlanta Police Department, for the purpose of extending the original agreement identified as FC-7649-04, Annual Contract for the Red Light Camera Enforcement Program ("Program") with ACS State and Local Solutions, Inc., for a new two year base period to begin on March 16, 2010, and to further provide for a maximum of two (2) one-year renewals at the sole discretion of the City; with all revenue collected from the program to be deposited into Fund, Account, and Center Number: 7701 (Trust Fund) 130308 (DPW Transportation Design) 3511717 (Traffic and Parking Fines) or Successor Accounts and all expenses generated from the program to be paid from Fund, Account, and Center Number: 7701 (Trust Fund) 130308 (DPW Transportation Design) 5239004 (Service Grants) or Successor Accounts; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore.

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

CITY UTILITIES COMMITTEE

CARLA SMITH, CHAIR

- 09-R-1662 (9) An **Amended** Resolution by **City Utilities Committee** authorizing the Mayor to execute an agreement with Cartel Properties-999 Brady, LLC for the Rehabilitation and Installation of Sanitary Sewer System Improvements adjacent to proposed developments along Joseph E. Lowery Blvd.; to define the extent of cost participation; to secure payment of the contract sum; and for other purposes.

ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

CARLA SMITH, CHAIR

- 09-R-1663 (10) A Resolution by **City Utilities Committee** authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers-Pump Station and Relief Sewers, on behalf of the Department of Watershed Management, as authorized by Resolution 07-R-2029, to include an additional amount not to exceed \$532,919.00 for additional funding for work associated with the South River Basin Relief Sewers - Pump Station and Relief Sewers, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall.

SEE CITY UTILITIES COMMITTEE REPORT

- 09-R-1664 (11) A Resolution by **City Utilities Committee** authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers - North Basin, on behalf of the Department of Watershed Management, as authorized by Resolution 08-R-0225, to include an additional amount not to exceed \$260,719.00 for additional funding for work associated with the South River Basin Relief Sewers - North Basin, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall.

SEE CITY UTILITIES COMMITTEE REPORT

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

CITY UTILITIES COMMITTEE (CONT'D)

CARLA SMITH, CHAIR

- 09-R-1665 (12) A Resolution by **City Utilities Committee** authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers - South Basin, on behalf of the Department of Watershed Management, as authorized by Resolution 08-R-0226, to include and additional amount not to exceed \$211,736.00 for additional funding for work associated with the South River Basin Relief Sewers - South Basin, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAEO and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall.

SEE CITY UTILITIES COMMITTEE REPORT

- 09-R-1666 (13) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into Amendment Agreement No. 1, for FC-6007000029, Annual Contract for Major Mechanical Services for the Bureau of Wastewater Treatment and Collections, with Alberici Constructors, Inc./Willis Professional Services, for second year funding in an amount not to exceed \$1,010,000.00; all contracted work shall be charged to and paid from Fund, Department, Organization and Account Numbers listed; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

- 09-R-1713 (14) A Resolution by **Councilmember Clea Winslow** authorizing the Mayor to execute Amendment Agreement No. 1 with Precision 2000, Inc., for FC-4943C, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in amount not to exceed \$294,708.00; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

CLETA WINSLOW, CHAIR

- 09-R-1673 (15) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Chief Procurement Officer to utilize the State of Georgia Contract SWC-30747 with Fisher Scientific Company, LLC for a blanket purchase order to purchase self-contained breathing apparatus, regulators, and hose for the self-contained breathing apparatus on behalf of the Department of Fire and Rescue in an amount not to exceed \$50,000.00; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

TRANSPORTATION COMMITTEE

CLAIR MULLER, CHAIR

- 09-R-1694 (16) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Amendment No. 16 to the Central Passenger Terminal Complex Lease Agreement with Northwest Airlines, Inc. covering the permanent surrender to the City of Atlanta of a portion of Northwest Airlines exclusive leased premises which is located in the North Terminal Building at Hartsfield-Jackson Atlanta International Airport; and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**
- 09-R-1695 (17) A Resolution by **Transportation Committee** increasing the not to exceed compensation amount by \$400,000.00 for Contract No. FC-7369-01A; Architectural and Engineering Design Support Services with Hartsfield Transportation Group under Work Authorization No. 3, Engineering Design Services, for the Extension of Taxiway L & 27R RSA and Taxiway M Pavement Replacement. All services shall be charged to and paid from PTAE0: 18102837 (Capital Design & Mgmt/Design) 103 (Task) 550591336 (DOA PFC Revenue 96AA) 5212001 (Consulting/Professional Serv) and FDOA: 5505 (Airport Passenger Facility Charge Fund) 180201 (DOA Aviation Capital Planning & Development) 5212001 (Consulting/Professional Serv) 7563000 (Airport) 102837 (Capital Design & Mgmt/Design) 91336 (DOA PFC Revenue 96AA) 0000 (Default) 00000000 (Default) 00000000 (Default); and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

TRANSPORTATION COMMITTEE (CONT'D)

CLAIR MULLER, CHAIR

09-R-1696 (18) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Agreement with New South Construction Company, Inc., for Project Number FC-4979, Concourse "D" Midpoint Expansion Advance Package at Hartsfield-Jackson Atlanta International Airport in an amount not to exceed \$1,489,000.00 and to establish a Project Contingency Fund in an additional amount not to exceed \$200,000.00. All services will be charged to and paid from PTAE0 18102793 (Concourse D-Midpoint Expansion) 102 (Task) 550621347 (DOA 2000 REV Bond 93CG) 5414002 (Facilities other than Bldgs/Infrastructure-CIP) and FDOA 5506 (2000 Airport Revenue Bond Fund) 180201 (DOA Aviation Capital Planning & Development) 5414002 (Facilities other than Bldgs/Infrastructure-CIP) 7563000 (Airport) 102793 (Concourse D-Midpoint Expansion) 21347 (DOA 2000 REV Bond 93CG) 0000 (Default) 00000000 (Default) 00000000 (Default) (\$388,470.00) and PTAE0 18102793 (Concourse D-Midpoint Expansion) 102 (Task) 550921373 (DOA 2004 F G I REV 93CQ) 5414002 (Facilities other than Bldgs/Infrastructure-CIP) and FDOA: 5509 (2004 Airport Revenue Bond Fund F-K) 180201 (DOA Aviation Capital Planning & Development) 5414002 (Facilities other than Bldgs/Infrastructure-CIP) 7563000 (Airport) 102793 (Concourse D-Midpoint Expansion) 21373 (DOA 2004 F G I REV 93CQ) 0000 (Default) 00000000 (Default) 00000000 (Default) (\$1,300,530.00).

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

CLETA WINSLOW, CHAIR

Claims with favorable recommendations:

09-R-1674 (1) Claim of **Butler Street CME Church**, for property damages alleged to have been sustained from multiple flooding incidents due to a sanitary sewer main break on July 3, 2005 at 22 Jesse Hill, Jr. Drive, SE. **\$65,424.90**

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D) CLETA WINSLOW, CHAIR

Claims with favorable recommendations: (Cont'd)

- 09-R-1675 (2) Claim of **Dale Blum Roberts**, for bodily injuries alleged to have been sustained from tripping on an uneven section of sidewalk on February 5, 2009 at 2900 Peachtree Road, NE. **\$14,500.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 09-R-1676 (3) Claim of **Nycole Benoit and Rikayah Benoit**, for vehicular damages alleged to have been sustained from driving over a defective area in the road on April 12, 2009 at Central Park Avenue and Ralph McGill Boulevard. **\$603.19**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS
- 09-R-1677 (4) Claim of **Terri Murai**, for vehicular damages alleged to have been sustained from driving over a pothole in the road on January 2, 2009 on Spring Street and North Avenue. **\$600.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS

Claims with unfavorable recommendations:

- 09-R-1678 (5) Claim of **Calvin Happ**, for damages alleged to have been sustained from the City's failure to return the renewal fees for an alcoholic beverage license in December 2008 at 1025 Howell Mill Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1679 (6) Claim of **Michael Stevens and Victoria M. Stevens**, for vehicular damages alleged to have been sustained from driving over a construction site that was improperly repaired on May 22, 2009 at Marietta Street, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1680 (7) Claim of **Virginia V. Birts**, for damages alleged to have been sustained from driving over a metal gate that had fallen from a private work truck on February 21, 2009 at Cheshire Bridge Road and Lavista Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

Claims with unfavorable recommendations: (Cont'd)

- 09-R-1682 (8) Claim of **Specialty Risk Services, as subrogee of Wells Fargo, employer of Immaculada Lacyo**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on October 11, 2008 at 265 Peachtree Center.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1683 (9) Claim of **Zachary Lee**, for damages alleged to have been sustained as a result of a tree falling on June 11, 2009 at 626 DeKalb Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1684 (10) Claim of **Robert Foah**, for damages alleged to have been sustained as a result of the installation of a water meter on July 1, 2009 at 158 Elizabeth Street.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1685 (11) Claim of **John Rick**, for damages alleged to have been sustained as a result of the installation of a water meter on July 27, 2009 at 840 DeKalb Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1686 (12) Claim of **Jennifer Schultz**, for property damages alleged to have been sustained when a mailbox was destroyed during a road repaving project on January 22, 2009 at 215 Warren Street, NE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1687 (13) Claim of **John M. Perry**, for damages alleged to have been sustained as a result of striking a construction cut on August 11, 2009 at 4279 Roswell Road and Chastain Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1688 (14) Claim of **Peter Wilander**, for damages alleged to have been sustained as a result of striking a construction cut on July 25, 2009 at 4279 Roswell Road and Chastain Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
CLETA WINSLOW, CHAIR

Claims with unfavorable recommendations: (Cont'd)

- 09-R-1689 (15) Claim of **Vanessa W. Erbrick**, for damages alleged to have been sustained as a result of striking damaged storm grates on February 27, 2009 at 1610 Ponce de Leon Avenue.
ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1690 (16) Claim of **Teresa Novella Wimberly**, for damages alleged to have been sustained as a result of striking a construction cut on August 4, 2009 at 4279 Roswell Road and Chastain Drive.
ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-R-1692 (17) Claim of **Sheena Lawrence**, for damages alleged to have been sustained as a result of driving over a pothole on January 27, 2009 at Roswell Road near Cliftwood Drive.
ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

**CONSENT AGENDA
SECTION II**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA

SECTION II

ORDINANCES FOR FIRST READING

FINANCE/EXECUTIVE COMMITTEE

FELICIA A. MOORE, VICE-CHAIR

All items on Consent Agenda II (1 through 12 as follows) were Referred to the appropriate committees as a collective vote.

- 09-O-1700 (1) An **Amended Ordinance** by **Finance/Executive Committee** to amend Chapter 114, Personnel, Article "V", Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to provide for certain position reclassifications, employee salary adjustments, salary grade amendments and other personnel actions in line with the 2010 Budget; and for other purposes.
REFERRED AS AMENDED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1701 (2) 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.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1702 (3) An Ordinance by **Finance/Executive Committee** reducing anticipations and appropriations in the amount of \$1,600,000.00 for the purpose of correcting the City of Atlanta's Financial Records to reflect Grant De-Obligations in the HOME Program; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

FELICIA A. MOORE, VICE-CHAIR

- 09-O-1703 (4) An Ordinance by **Finance/Executive Committee** authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X, Procurement and Real Estate Code of the City of Atlanta Code of Ordinances, authorizing the Mayor, on behalf of the City of Atlanta ("CITY"), to negotiate for and to purchase approximately 6.2 acres, located on Gault Street and Eric Street ("The Chosewood Park Expansion") from The Conservation Fund (TCF), in an amount not to exceed \$1,231,000.00, for the purpose of expanding the existing Chosewood Park. The City's purchase price, due diligence, purchase services, and development costs shall be paid from Park Impact Fee South, Arthur Blank Family Foundation Funds and ACoRA Funds as shown below; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1722 (5) An Ordinance by **Finance/Executive Committee** amending Chapter 114, Personnel, Article "V", Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to create 50 Police Officer Positions contingent upon the approval and adoption of a Community Oriented Policing Services ("COPS") Hiring Recovery Grant ("CHRP") award from the United States Department of Justice; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1723 (6) An Ordinance by **Finance/Executive Committee** amending Chapter 114, Personnel, Article "V", Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to create a Grants-Management Analyst Position to serve as Manager of the 2009 American Recovery and Rehabilitation Act's Justice Assistance Grant ("2009 ARRA JAG"); and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-O-1724 (7) An Ordinance by **Finance/Executive Committee** amending the 2010 (International Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$11,209,300.00 for a Community Oriented Policing Services ("COPS") Hiring Recovery Grant ("CHRP") award from the United States Department of Justice; and for other purposes.
REFERRED TO PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

CITY UTILITIES COMMITTEE

CARLA SMITH, CHAIR

09-O-1660 (8) A **Substitute** Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2010 Budget (2009A Water and Wastewater Bond Fund – 5066) in the amount of \$7,188,637.00 to the Capital Project Reserve (5066) for appropriations and to add to appropriation funds for the Supplement Program Management Services Project; and for other purposes.

REFERRED SUBSTITUTE TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

09-O-1661 (9) A **Substitute** Ordinance by **City Utilities Committee** to correct Ordinance Number 09-O-1113 adopted by the City Council on July 20, 2009 and approved by the Mayor on July 28, 2009 by deleting the incorrect budget year reference of FY 2009 and inserting in lieu thereof the correct budget year reference FY 2010; and for other purposes.

REFERRED SUBSTITUTE TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

09-O-1721 (10) An Ordinance by **City Utilities Committee** correcting Ordinance Number 09-O-1114 adopted by the City Council on July 20, 2009 and approved by the Mayor on July 28, 2009 by deleting the incorrect budget year reference of FY 2009 and inserting in lieu thereof the correct budget year reference FY 2010; and further amends the dollar amount listed from \$5,200,000.00 to \$8,300,000.00; and for other purposes.

REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JIM MADDOX, CHAIR

09-O-1668 (11) An Ordinance by **Community Development/Human Resources Committee** naming the five (5) acres City Park located at 471 Collier Road, NW, the "Louise G. Howard Park"; and accepting the Howard Property Master Plan on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

TRANSPORTATION COMMITTEE

CLAIR MULLER, CHAIR

09-O-1693 (12) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to convert West Peachtree Place, NW, between Centennial Olympic Park Drive, NW and West Peachtree Street, NW, from a One-Way Street to a Two-Way Street; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

COMMITTEE REPORTS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS

FINANCE/EXECUTIVE COMMITTEE (1)

FELICIA A. MOORE, VICE-CHAIR

Attendance at the September 30, 2009 meeting of the Finance/Executive Committee was as follows:

Present: Councilmembers Moore (Vice-Chair), Muller, Maddox, Winslow and Smith

Absent: Councilmember Shook

ORDINANCES FOR SECOND READING

- 09-O-1714 (1) An Ordinance and Charter Amendment by **Councilmembers Felicia A. Moore, Howard Shook, Mary Norwood, Ivory Lee Young, Jr., Anne Fauver, Carla Smith, Natalyn Archibong, Clea Winslow, Clair Muller, Kwanza Hall, C. T. Martin, H. Lamar Willis and Joyce M. Sheperd** 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 amend Section 3-505(c) (Entitled "Temporary Engagement by Contract, Re-employment or Election of Persons Retired Under Municipal Laws") of the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, p. 4469, et seq.) approved April 15, 1996, as amended, so as to identify circumstances affecting the Re-employment of Retirees; to repeal conflicting Ordinances and Charter Amendments; and for other purposes. (**FAVORABLE - 2nd READING, 1st ADOPTION**)
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS FOR 3RD READING/FINAL ADOPTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (2)

FELICIA A. MOORE, VICE-CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

09-O-1716 (2) An Ordinance by **Councilmember Howard Shook as Substituted by Finance/Executive Committee** submitting a Series 2009B Bond Ordinance to ratify, reaffirm, supplement, and amend that certain Master Bond Ordinance Adopted on March 31, 1999, as supplemented and amended by that certain First Supplement Bond Ordinance Adopted on March 5, 2001, that certain Series 2001 Bond Ordinance Adopted on December 5, 2001, that certain Series 2004 Bond Ordinance Adopted on August 16, 2004, as supplemented by that certain Supplemental Series 2004 Bond Ordinance Adopted on September 15, 2004, that certain Fifth Supplemental Bond Ordinance Adopted on November 19, 2007, that certain Series 2008 Bond Ordinance Adopted on March 17, 2008, that certain Seventh Supplemental Bond Ordinance Adopted on October 6, 2008, and that certain Series 2009 Bond Ordinance Adopted on May 4, 2009, as supplemented by that certain Supplemental Series 2009 Bond Ordinance Adopted on June 17, 2009; to provide for the issuance by the City of Atlanta of its Water and Wastewater Revenue Bonds, Series 2009B, for the purpose of refunding all of the City of Atlanta's outstanding Water and Wastewater Revenue Bonds, Series 2001B and Water and Wastewater Revenue Bonds, Series 2001C; to provide terms, provisions, and conditions for the issuance of its Water and Wastewater Revenue Bonds, Series 2009B; and for other related purposes.

Vice-Chairperson Moore made a Motion to bring forth a Substitute for Ordinance 09-O-1716. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before the Council. Ms. Moore then sounded the caption to the Substitute and made a Motion to Adopt. It was properly Seconded and a discussion ensued. After which, the Motion to Adopt on Substitute CARRIED by a roll call vote of 14 yeas; 0 nays.

Note: following the vote, Vice-Chairperson Moore made a Motion to send 09-O-1716 to the Mayor's office immediately. It was properly Seconded and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. Therefore, the legislation proceeded to the Mayor's office for her signature.

**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 14 YEAS;
0 NAYS**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (3) FELICIA A. MOORE, VICE-CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

09-O-1717 (3) An Ordinance by **Councilmember Howard Shook as Substituted by Finance/Executive Committee** submitting a Supplemental Series 2009B Bond Ordinance to set the terms of the City of Atlanta's Water and Wastewater Revenue Bonds, Series 2009B, including Principal Amounts, Interest Rates, Maturity Dates and Redemption Provisions; and for other related purposes. (Special Called Meeting 10/14/09 at 12:30 p.m.)

Vice-Chairperson Moore sounded the caption to Ordinance 09-O-1717 and made a Substitute Motion to Table for a Special Called Meeting to be held 10/14/09. It was properly Seconded and CARRIED by a roll call vote of 13 yeas; 0 nays.

TABLED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

ITEMS REMOVED FROM CONSENT AGENDA

09-R-1710 (1) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to execute an Agreement with Carousel Industries of North America, Inc., for Project Number FC-4984 Unified Communication/Telephone Upgrade at the Hartsfield-Jackson Atlanta International Airport in an amount not to exceed \$341,862.85. All services will be charged to and paid from 5502 (Airport Renewal and Extension Fund) 180107 (ISD) 5212001 (Consulting/Professional Services) 7563000 (Airport); and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore. Ms. Moore sounded the caption to Resolution 09-R-1710 and made a Motion to bring forth a Substitute. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. The Substitute was before Council. Vice-Chairperson Moore then made a Motion to Adopt on Substitute. Without Objection, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (4) FELICIA A. MOORE, VICE-CHAIR

ITEMS REMOVED FROM CONSENT AGENDA (CONT'D)

09-R-1711 (2) A Resolution by **Finance/Executive Committee** authorizing the Mayor, on behalf of the Department of Public Works and the Atlanta Police Department, for the purpose of extending the original agreement identified as FC-7649-04, Annual Contract for the Red Light Camera Enforcement Program ("Program") with ACS State and Local Solutions, Inc., for a new two year base period to begin on March 16, 2010, and to further provide for a maximum of two (2) one-year renewals at the sole discretion of the City; with all revenue collected from the program to be deposited into Fund, Account, and Center Number: 7701 (Trust Fund) 130308 (DPW Transportation Design) 3511717 (Traffic and Parking Fines) or Successor Accounts and all expenses generated from the program to be paid from Fund, Account, and Center Number: 7701 (Trust Fund) 130308 (DPW Transportation Design) 5239004 (Service Grants) or Successor Accounts; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Moore. Ms. Moore sounded the caption to Resolution 09-R-1711 and made a substitute Motion to File. Without Objection, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.

FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (5)

FELICIA A. MOORE, VICE-CHAIR

ITEMS REMOVED FROM CONSENT AGENDA (CONT'D)

The following items (09-R-1707 and 09-R-1708) were taken as a collective vote.

09-R-1707 (1) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an Appropriate Contractual Agreement with ATC Associates, Inc. and C.E.R.M., Inc. a Joint Venture, for FC-4918A, Geotechnical, Environmental Engineering, Testing and Investigation Services on behalf of the Departments of Planning and Community Development, Public Works, and Parks, Recreation and Cultural Affairs; all contracted work shall be charged to and paid from various Fund, Department Organization and Account Numbers; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall. Vice-Chairperson Moore sounded the caption to Resolutions 09-R-1707 and 09-R-1708 and made a Motion to Adopt. Without Objection, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays; 1 abstention.

Note: Councilmember Hall stated for the record his abstention to Resolutions 09-R-1707 and 09-R-1708 was due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS; 1 ABSTENTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (6)
FELICIA A. MOORE, VICE-CHAIR

ITEMS REMOVED FROM CONSENT AGENDA (CONT'D)

09-R-1708 (2) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an Appropriate Contractual Agreement with United Consulting, Inc., for FC-4918B, Geotechnical, Environmental Engineering, Testing and Investigation Services on behalf of the Departments of Planning and Community Development, Public Works, and Parks, Recreation and Cultural Affairs; all contracted work shall be charged to and paid from various Fund, Department Organization and Account Numbers; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall. Vice-Chairperson Moore sounded the caption to Resolutions 09-R-1707 and 09-R-1708 and made a Motion to Adopt. Without Objection, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays; 1 abstention.

Note: Councilmember Hall stated for the record his abstention to Resolutions 09-R-1707 and 09-R-1708 was due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS; 1 ABSTENTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (1)

FELICIA A. MOORE, CHAIR

Attendance at the October 05, 2009 meeting of the Committee on Council was as follows:

Present: Councilmembers Moore (Chair), Archibong, Fauver, Maddox and Winslow

Absent: Councilmember Norwood

COMMUNICATIONS

09-C-0635 (1) A Communication from **Chair Elizabeth B. Coyle, BeltLine Network, Inc., to President and Members of Atlanta City Council** submitting their re-appointment of Reverend Larry L. Hill to serve as a member of the BeltLine Tax Allocation District (TAD) Advisory Committee. This re-appointment is for a term of two (2) years, to begin retroactively on January 1, 2009 and expire December 31, 2010. **(Recommendation to File by Community Development/Human Resources Committee 9/29/09.)**
FILED BY A ROLL CALL VOTE OF 14 YEARS; 0 NAYS

The following communications (2 through 7 as follows) were taken as a collective vote.

09-C-1089 (2) A Communication from **Chair LaChandra Butler Burks, Atlanta Board of Education, to Municipal Clerk Rhonda Dauphin Johnson** re-appointing Ms. Sharron M. Pitts to serve as a member of the BeltLine Tax Allocation District (TAD) Affordable Housing Board. This re-appointment is for a term of two (2) years to begin retroactively on May 1, 2009 and expire April 30, 2011. **(Favorable by Community Development/Human Resources Committee 9/29/09.)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEARS; 0 NAYS

09-C-1092 (3) A Communication from **Chair LaChandra Butler Burks, Atlanta Board of Education, to Municipal Clerk Rhonda Dauphin Johnson** re-appointing Ms. Millicent Few to serve as a member of the BeltLine Tax Allocation District (TAD) Affordable Housing Board. This re-appointment is for a term of two (2) years to begin retroactively on May 1, 2009 and expire April 30, 2011. **(Favorable by Community Development/Human Resources Committee 9/29/09.)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEARS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (2)

FELICIA A. MOORE, CHAIR

COMMUNICATIONS (CONT'D)

- 09-C-1517 (4) A Communication from **Mark Massey, Clerk to the Fulton County Board of Commissioners, to Council President Lisa M. Borders**, submitting the Fulton County Board of Commissioners' appointment of Mr. Monty Bruell (Position 1) to serve as the County's representative on the BeltLine Tax Allocation District (TAD) Advisory Committee. This appointment is for a term of two (2) years to begin retroactively on January 1, 2009 and to expire on December 31, 2010. **(Favorable by Community Development/Human Resources Committee 9/29/09.)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-C-1522 (5) A Communication by **Mayor Shirley Franklin** appointing Ms. Chandra G. Houston to serve as a member of the Atlanta Commission on Women on behalf of the City of Atlanta. This appointment is for a term of two (2) years; scheduled to begin on the date of Council confirmation. **(Held 9/21/09 by the Committee to allow the appointee an opportunity to appear before the Committee.)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-C-1531 (6) A Communication by **Mayor Shirley Franklin** appointing Mr. Thomas "Rocky" Wade to serve as a member of the BeltLine Tax Allocation District (TAD) Affordable Housing Advisory Board on behalf of the City of Atlanta.. This appointment is for a term of two (2) years beginning retroactively on May 01, 2009 and expire April 30, 2011. **(Favorable by Community Development/Human Resources Committee 9/29/09.)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 09-C-1657 (7) A Communication from **Mark Massey, Clerk to the Fulton County Board of Commissioners, to Council President Lisa M. Borders**, submitting the Fulton County Board of Commissioners' appointment of Ms. Dottie M. Sabre (Position 4) to serve as the County's representative on the BeltLine Tax Allocation District (TAD) Advisory Committee. This appointment is for a term of two (2) years. **(Favorable by Community Development/Human Resources Committee 9/29/09.)**
CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)

CARLA SMITH, CHAIR

Attendance at the September 29, 2009 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Smith (Chair), Mitchell, Muller, Archibong, Young and Sheperd

Absent: Councilmember Shook

ITEMS REMOVED FROM CONSENT AGENDA

The following resolutions (1 through 3 as follows) were taken as a collective vote.

09-R-1663 (1) A Resolution by **City Utilities Committee** authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers-Pump Station and Relief Sewers, on behalf of the Department of Watershed Management, as authorized by Resolution 07-R-2029, to include an additional amount not to exceed \$532,919.00 for additional funding for work associated with the South River Basin Relief Sewers – Pump Station and Relief Sewers, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall. Chairperson Smith sounded the caption to resolutions 09-R-1663, 09-R-1664 and 09-R-1665 and noted Councilmember Hall removed all three (3) resolutions to record his abstention vote. Subsequently, the Motion to Adopt was then CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.

Note: Councilmember Hall stated for the record his abstention to Resolutions 09-R-1663, 09-R-1664 and 09-R-1665 was due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (2)
CARLA SMITH, CHAIR

ITEMS REMOVED FROM CONSENT AGENDA (CONT'D)

09-R-1664 (2) A Resolution by **City Utilities Committee** authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers - North Basin, on behalf of the Department of Watershed Management, as authorized by Resolution 08-R-0225, to include an additional amount not to exceed \$260,719.00 for additional funding for work associated with the South River Basin Relief Sewers - North Basin, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall. Chairperson Smith sounded the caption to resolutions 09-R-1663, 09-R-1664 and 09-R-1665 and noted Councilmember Hall removed all three (3) resolutions to record his abstention vote. Subsequently, the Motion to Adopt was then CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.

Note: Councilmember Hall stated for the record his abstention to Resolutions 09-R-1663, 09-R-1664 and 09-R-1665 was due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (3) CARLA SMITH, CHAIR

ITEMS REMOVED FROM CONSENT AGENDA (CONT'D)

09-R-1665 (3) A Resolution by **City Utilities Committee** authorizing the Department of Watershed Management to amend the Task Order to Metcalf & Eddy/Cardozo Engineering, Inc., Joint Venture, for FC-7619-03E, Citywide Annual Contract for Architectural and Engineering Services, South River Basin Relief Sewers - South Basin, on behalf of the Department of Watershed Management, as authorized by Resolution 08-R-0226, to include and additional amount not to exceed \$211,736.00 for additional funding for work associated with the South River Basin Relief Sewers – South Basin, to include the continuation and completion of Land Acquisition Services and the Design and Engineering originally authorized; all contracted work will be charged to and paid from PTAE0 and Fund, Dept/Org, Account, Function/Activity, Project and Funding Source listed; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Hall. Chairperson Smith sounded the caption to resolutions 09-R-1663, 09-R-1664 and 09-R-1665 and noted Councilmember Hall removed all three (3) resolutions to record his abstention vote. Subsequently, the Motion to Adopt was then CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.

Note: Councilmember Hall stated for the record his abstention to Resolutions 09-R-1663, 09-R-1664 and 09-R-1665 was due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (1)

JIM MADDOX, CHAIR

Attendance at the September 29, 2009 meeting of the Community Development/Human Resources Committee was as follows:

Present: Councilmembers Maddox (Chair), Sheperd, Young, Mitchell, Hall and Norwood

Absent: Councilmember Willis

RESOLUTION

09-R-1670 (1) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor to submit a Grant Application to the U.S. Environmental Protection Agency under the 2009 Brownfield Assessment Program for Hazardous and Petroleum Site Projects in the City of Atlanta in an amount not to exceed \$1,000,000.00; and for other purposes.

Municipal Clerk Rhonda Dauphin Johnson sounded the caption to Resolution 09-R-1670 on behalf of Chairperson Maddox. Following, Mr. Maddox made a Motion to Adopt. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays; 1 abstention.

Note: Councilmember Hall stated for the record his abstention to Resolution 09-R-1670 was due to a potential conflict of interest.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS; 1 ABSTENTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1) CLETA WINSLOW, CHAIR

Attendance at the September 29, 2009 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Winslow (Chair), Martin, Fauver and Sheperd

Absent: Councilmembers Hall and Willis

ORDINANCES FOR SECOND READING

The following ordinances (1 through 3 as follows) were taken as a collective vote.

07-O-1525 (1) An Ordinance by **Councilmember Joyce Sheperd** to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes.
FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

07-O-1879 (2) An Ordinance by **Public Safety and Legal Administration Committee** to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes.
FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (2) CLETA WINSLOW, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-2513 (3) An Ordinance by **Councilmember Ceasar C. Mitchell** to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes.
FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (1)

CLAIR MULLER, CHAIR

Attendance at the September 30, 2009 meeting of the Transportation Committee was as follows:

Present: Councilmembers Muller (Chair), Moore, Martin, Mitchell

Absent: Councilmembers Hall and Willis

The Standing Committee of Transportation did not have a report.

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (1)

IVORY L. YOUNG, JR., CHAIR

Attendance at the September 30, 2009 meeting of the Zoning Committee was as follows:

Present: Councilmembers Young (Chair), Martin, Smith, Archibong and Fauver

Absent: Councilmembers Norwood and Shook

ZONING REVIEW BOARD SUMMARY REPORT

The following ordinances (1 through 3 as follows) were taken as a collective vote.

09-O-0507 (1)
Z-09-08 An **Amended Ordinance** by **Zoning Committee** to rezone from the R2-B (Single Family Residential) District to the PD-H (Planned Development-Housing), property located at **4249 Dykes Drive and 417 Hillside Drive, N.W.**, fronting approximately 265 feet on the east side of Dykes Drive beginning 240 feet from the northeast corner of Hillside Drive. Depth: approximately 500 feet. Area: approximately 3.9 acres; Land Lot 138, 17th District, Fulton County, Georgia. Owner: Phillip Fender; Applicant: Phillip Fender; NPU-A Council District 8.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

09-O-1306 (2)
U-09-13 An **Amended Ordinance** by **Zoning Committee** granting a Special Use Permit under the provisions of Section 16-07.005 (1) (b) for a Day Care Center, property located at **645 Grant Street, S.E.**, fronting approximately 95 feet on the north side of Georgia Avenue and approximately 140 feet on the west side of Grant Street. Depth: varies; Area: approximately 0.305 acre; Land Lot 43, 14th District, Fulton County, Georgia. Owner: Presbytery of Greater Atlanta; Applicant: Jennifer J. Subarevic; NPU-W Council District 1.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

09-O-1384 (3)
U-09-14/U-06-24 An **Amended Ordinance** by **Zoning Committee** to amend Ordinance 06-O-2255 (U-06-24) which granted a Special Use Permit for a Private Club pursuant to legislation adopted by the City Council on December 4, 2006 and approved by the Mayor on December 13, 2006. Property located at **254 Club Place and 2560 Alston Drive, N.E.**; Land Lot 181, 15th District, DeKalb County, Georgia.

**ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (2)

IVORY L. YOUNG, JR., CHAIR

ZONING REVIEW BOARD SUMMARY REPORT (CONT'D)

09-O-1076 (4)
Z-09-26 An Ordinance by **Councilmember Ivory Lee Young, Jr.** to amend the 1982 Atlanta Zoning Ordinance, as amended, so as to define self-storage facility, secured-storage facility, vault-storage facility, mixed-use storage facility, and warehousing facility; so as to allow such defined terms as a permitted use within various zoning districts; so as to require off-street parking for such uses; and for other purposes.

ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

The following ordinances (5 through 6 as follows) were taken as a collective vote.

09-O-0992 (5)
Z-09-21 An Ordinance by **Zoning Committee** to rezone from the I-2 (Heavy Industrial) District to the RG-3 (Residential General-Sector 3) District, property located at **1551 Perry Boulevard, N.W.** fronting approximately 1270 feet on the north side of Perry Boulevard beginning 425 feet from the northwestern corner of Marietta Road. Depth: approximately 330 feet; Area: approximately 7.78 acres; Land Lot 224, 17th district, Fulton County, Georgia. Owner: J. P. Hudgins; Applicant: Marty Orr; NPU-G Council District 9.

FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

09-O-0995 (6)
U-09-10 An Ordinance by **Zoning Committee** granting a Special Use Permit under the provisions of Section 16-06.005 (1) (b) for a Day Care Center, property located at **2708 Altaview Drive, S.E.** fronting approximately 85 feet on the east side of Altaview Drive and at the southeast corner of the intersection of Altaview Drive and Cleveland Avenue. Depth: 180 feet; Area: approximately 0.351 acre; land Lot 61, 14th District, Fulton County, Georgia. Owner: Stephanie Collins; Applicant: Stephanie Collins; NPU-Z Council District 12.

FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

ORDINANCE FOR SECOND READING

09-O-1628 (1)
U-97-3 An Ordinance by **Zoning Committee** to amend Ordinance U-97-3, as adopted by the City Council on June 1, 2009 and approved by the Mayor on June 9, 2009, for the purposes of approving a transfer of ownership for a Special Use Permit for a Day Care Center for property located at **862 Hollywood Road, NW**; and for other purposes.

ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (3)

IVORY L. YOUNG, JR., CHAIR

ORDINANCES FOR FIRST READING

The following ordinances (1 through 3 as follows) were taken as a collective vote.

09-O-1697 (1)
U-09-16 An Ordinance by **Zoning Committee** granting a Special Use Permit for a Personal Care Home pursuant to Section 16-06.005 (l)(g) for property located at **350 Schoen Street, SE** fronting approximately 108.5 feet on the north side of Schoen Street at the southwest corner of the intersection of Schoen Street and Charleston Avenue.

Depth: Approximately 170 feet
Area: 0.42 acre
Land Lot: 39, 14th District, Fulton County, Georgia
Owner: Annie L. Barber
Applicant: Annie L. Barber
NPU-Y Council District 1

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

09-O-1698 (2)
Z-09-32 An Ordinance by **Zoning Committee** to rezone property from the R-5 (Single Family Residential) District to the MR-3 Multi-Family Residential) District, property located at **100 Hutchinson Street, NE**, fronting approximately 141 feet on the east side of Hutchinson Street beginning 21.23 feet from the southeast corner of LaFrance Street.

Depth: Approximately 54 feet
Area: 0.192 acre
Land Lot: 209, 15th District, DeKalb County, Georgia
Owner: Steven Scott West
Applicant: Steven Scott West
NPU-O Council District 5

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (4)

IVORY L. YOUNG, JR., CHAIR

ORDINANCES FOR FIRST READING (CONT'D)

09-O-1699 (3)
Z-09-33

An Ordinance by **Zoning Committee** designating the Imperial Hotel, located at **355 Peachtree Center Avenue, NE**, Land Lot 50, of the 14th District of Fulton County, Georgia and certain real property on which it is located, to the overlay Zoning Designation of Landmark Building of Site pursuant to Chapter 20 of the Zoning Ordinance of the City of Atlanta and Rezoning from SPI-1 (SA1)/HBS (Special Public Interest District-1, Subarea 1/Historic Building or Site) to SPI-1 (SA1)/LBS (Special Public Interest District-1, Subarea 1/Landmark Building or Site); to repeal conflicting laws; and for other purposes.

REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

PERSONAL PAPERS

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

PERSONAL PAPERS

RESOLUTIONS/ADOPTED

09-R-1795 (1) A Resolution by **Councilmembers Ceasar C. Mitchell and Jim Maddox** to support the efforts of the Georgia Hispanic Chamber of Commerce, leading Atlanta Business Leaders and Local Hospitality Businesses to secure the right to host the 2012 United States Hispanic Chamber of Commerce Annual National Convention and Business Expo in Atlanta; and for other purposes.

Councilmember Mitchell made a Motion to Adopt Resolution 09-R-1795. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

09-R-1796 (2) A Resolution by **Councilmembers Natalyn Archibong and Clela Winslow** recognizing, honoring and proclaiming World Habitat Day in Atlanta to be held on Wednesday, October 7, 2009; and for other purposes.

Councilmember Archibong made a Motion to Adopt Resolution 09-R-1796. Without Objection, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.

ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

ORDINANCES/REFERRED

09-O-1797 (1) 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-0065-0001-005-0 (A.K.A. Campbellton Rd. rear), Parcel Identification #14F-0076-LL-008-8 (A.K.A. Kenny Rd. rear), 2167 Alan Drive (Parcel ID #14F-0065-0001-011-3), and 2175 Alan Drive (Parcel ID #14 f-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.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1798 (2) An Ordinance by **Councilmember Jim Maddox** granting a Special Use Permit for a Private School pursuant to Section 16-06.005(l)(L) and Section 16-05.005(1)(L) for property located at **4776 Campbellton Road** (Parcel ID #14F-0065-0001-003-0 & 14F-0065-0001-002), **4774 Campbellton Road, S.W.** (Parcel ID #14F-0065-0001-004 & 14F-0065-0001-005-0 **A.K.A. Campbellton Rd. rear**), 14F-0076-LL-008-8 (**A.K.A. Kenny Rd. rear**) and 14F-0065-0001-024) (**Kenny Rd. S.W.**) fronting approximately 365 feet on the western side of Campbellton Road S.W.; and for other purposes.
REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION
- 09-O-1799 (3) An Ordinance by **Councilmember Jim Maddox** to zone property located at Parcel Identification Numbers: **4776 Campbellton Road** (Parcel ID # 14F-0065-0001-003-0), Parcel Identification # 14F-0065-0001-005-0 (**A.K.A. Campbellton Rd. rear**), **2167 Alan Drive** (Parcel ID # 14F-0065-0001-011-3), and **2175 Alan Drive** (Parcel ID # 14F-0065-0001-013-9) to the R-4 Single Family Residential District; to zone property located at Parcel Identification Number: 14F-0076-LL-008-8 (A.K.A. Kenny Rd. rear) to the R-3 Single Family Residential District; and for other purposes.
REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION
- 09-O-1800 (4) An Ordinance by **Councilmember Jim Maddox** to amend the Land Use Element of the City of Atlanta 2008 Comprehensive Development Plan (CDP) so as to designate 4776 Campbellton Road (Parcel ID # 14F-0065-0001-003-0), Parcel Identification # 14F-0065-0001-005-0 (A.K.A. Campbellton Rd. rear), Parcel Identification #14F-0076-LL-008-8 (A.K.A. Kenny Rd. rear), 2167 Alan Drive (Parcel ID # 14F-0065-0001-011-3), and 2175 Alan Drive (Parcel ID # 14F-0065-0001-013-9) to the Single Family Residential Land Use Classification; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 09-O-1801 (5) An Ordinance by **Councilmember Natalyn Mosby Archibong** authorizing the Mayor or her designee (Chief Financial Officer) to create a trust fund account for District 5 to accept donations for the celebration of Dr. Beverly Hall on being named National Superintendent of the Year; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1802 (6) An Ordinance by **Councilmembers Felicia A. Moore, Clair Muller, H. Lamar Willis, Ivory Lee Young, Jr., Anne Fauver, Cleta Winslow, Kwanza Hall, C. T. Martin, Ceasar Mitchell, Natalyn Archibong, Mary Norwood and Joyce Sheperd** authorizing the Chief Financial Officer to establish a trust fund account for a reception honoring Atlanta City Councilmember Jim Maddox, the longest serving City Councilmember in Atlanta's history; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 09-O-1803 (7) An Ordinance by **Councilmembers Felicia A. Moore, H. Lamar Willis, Jim Maddox, Ceasar C. Mitchell, Clair Muller, C. T. Martin, Mary Norwood, Anne Fauver, Cleta Winslow, Kwanza Hall, Joyce M. Sheperd and Carla Smith** to allow City of Atlanta employees to donate leave to an employee affected by the flood of 2009; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 09-O-1804 (8) An Ordinance by **Councilmember Felicia A. Moore** to transfer funds in the total amount of \$ _____ from various councilmember expense accounts to the Community Foundation of Metro Atlanta to assist residents of the City of Atlanta who were affected by the flood which occurred on September 21, 2009; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1805 (9) An Ordinance by **Councilmember Felicia A. Moore**, on behalf of the Department of Public Works and the Atlanta Police Department, for the purpose of waiving the competitive procurement provisions contained in Article X, Procurement and Real Estate Code of the City of Atlanta Code of Ordinances, authorizing the Mayor or her designee to extend the original agreement identified as FC-7649-04, annual contract for the Red Light Camera Enforcement Program ("Program") with ACS State and Local Solutions, Inc. for a new two year base period to begin on March 16, 2010, and to further provide for a maximum of two one year renewals at the sole discretion of the City; with all revenue collected from the program to be deposited into Fund, Account and Center Number: 7701 (Trust Fund) 130308 (DPW Transportation Design) 3511717 (Traffic and Parking Fines) or successor accounts and all expenses generated from the program to be paid from Fund, Account and Center Number: 7701 (Trust Fund) 130308 (DPW Transportation Design) 5239004 (Service Grants) or successor accounts; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 09-O-1806 (10) An Ordinance by **Councilmember Kwanza Hall** to amend the Castleberry Hill Landmark District Regulations (Chapter 20N) of the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to create a definition of off-leash dog park and allow such a use in Subarea 1 of the Castleberry Hill Landmark District; and for other purposes.
REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION
- 09-O-1807 (11) An Ordinance by **Councilmember Anne Fauver** to amend Appendix B (Entitled "Fees") of the Code of Ordinances of the City of Atlanta, Georgia so as to correct and update obsolete references to fees related to burglar, robbery and fire alarm systems; to waive conflicting ordinances; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1808 (12) An Ordinance by **Councilmember Clair Muller** to rezone property having a street address or tax parcel identification number (as applicable) of 17-0183-LL-143-2, 1100 Moores Mill Road, 1110 Moores Mill Road, 17-0183-LL-172, 17-0183-LL-171, 1120 Moores Mill Road, 1124 Moores Mill Road, 1128 Moores Mill Road, 17-0183-LL-097-0, 1150 Moores Mill Road, 1160 Moores Mill Road, 1164 Moores Mill Road, 1168 Moores Mill Road, 958 Nawench Drive, 970 Nawench Drive, 980 Nawench Drive, 1000 Nawench Drive, 1014 Nawench Drive, 1028 Nawench Drive, 1042 Nawench Drive, 1058 Nawench Drive, 1078 Nawench Drive, 1090 Nawench Drive, 1089 Nawench Drive, 1075 Nawench Drive, 1055 Nawench Drive, 1045 Nawench Drive, 1035 Nawench Drive, 1025 Nawench Drive, 1015 Nawench Drive, 1011 Nawench Drive and 997 Nawench Drive, from R-3 (Single Family Residential) to R-2B (Single Family Residential).
REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE WITHOUT OBJECTION
- 09-O-1810 (13) An Ordinance by **Councilmembers Carla Smith, Ceasar C. Mitchell, Clea Winslow, Mary Norwood, Jim Maddox, Kwanza Hall, Joyce Sheperd, Ivory Lee Young, Jr., Anne Fauver, Natalyn Archibong, H. Lamar Willis, Felicia A. Moore, Clair Muller and C. T. Martin** to waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia so as to modify the hours of operation on Monday, November 2, 2009 only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION
- 09-O-1811 (14) An Ordinance by **Councilmember Jim Maddox** transferring funds from the District 11 Councilmember carry forward account to various existing City of Atlanta Fund Accounts and Nonprofit Community Organizations to fund various City Operations/Projects and Nonprofit Community Organizations; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1812 (15) An Ordinance by **Councilmembers Ceasar C. Mitchell and Kwanza Hall** authorizing the City of Atlanta to waive the provisions contained in Chapter 138, Article II, Division 6, Section 138-60 (a) of the City of Atlanta Code of Ordinances, to allow the Commissioner of the Department of Public Works to issue permits for the placement of banners containing limited advertising in the public right-of-way; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

RESOLUTIONS/REFERRED

- 09-R-1809 (1) A Resolution by **Councilmembers Clair Muller and C. T. Martin** authorizing the Mayor to execute an agreement to amend Central Passenger Terminal Complex Lease Agreements (CPTC Leases), Airport Use Agreements (AUA) and certain other space use agreements with Delta Air Lines, Inc. (Delta) and Northwest Airlines, Inc. (Northwest); and for other purposes.
REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION
- 09-R-1813 (2) A Resolution by **Councilmember Joyce Sheperd** authorizing the Mayor to execute an agreement with the Path Foundation, Inc. ("Path"), appointing Path to act as the City's agent and construction manager for the Hipp Street Pedestrian Trail Project in an amount not to exceed Fifty Two Thousand Five Hundred Sixty Three Dollars (\$52,563.00); all work charged to and paid from the following Fund, Department and Account Numbers: 2502 (Empowerment Zone) 5239004 (Service Grants) 5414002 (Facilities Other Than Building/Infrastructure-CIP) and PTAEO funding sources 25202698 101 250230904 5414002/5239004 COA; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

ADJOURNMENT

10/5/09 Action Minutes

Council President Lisa M. Borders Presided

ADJOURNMENT

There being no further business to discuss, the October 05, 2009 meeting of the Atlanta City Council was adjourned at 3:33 p.m.

ADJOURNMENT ROLL CALL: Council President Lisa M. Borders (1); Councilmembers Smith, Hall, Winslow, Archibong, Fauver, Muller, Moore, Martin, Mitchell, Norwood and Willis (11); Councilmembers Young, Maddox and Sheperd were excused (3).