

ATLANTA CITY COUNCIL

ACTION/MINUTES

OCTOBER 19, 2009

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, October 19, 2009. The Meeting convened at 1:19 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 (12) voting members were present at the Meeting:

The Honorable Carla Smith	The Honorable Clair Muller
The Honorable Kwanza Hall	The Honorable Felicia A. Moore
The Honorable Ivory L. Young	The Honorable Jim Maddox
The Honorable Clela Winslow	The Honorable Joyce Sheperd
The Honorable Natalyn Archibong *1:13	The Honorable Ceasar C. Mitchell
The Honorable Howard Shook	The Honorable Mary Norwood

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

Councilmembers C. T. Martin, Anne Fauver and H. Lamar Willis were absent.

INVOCATION: Chaplain Thomas Houston 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 **October 05, 2009** Regular Meeting and the **October 14, 2009** Special Called Meeting are true and correct. The Minutes were **FILED** without objection.

COMMUNICATIONS

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMUNICATIONS

- 09-C-1822 (1) A Communication from **Elizabeth B. Coyle, Chair, BeltLine Network, to Council President Lisa M. Borders and Members of Council** submitting their appointment of Mr. Shelby Mayes to serve as the representative on the BeltLine Tax Allocation District (TAD) Advisory Committee. This appointment is to fill the unexpired term of Ms. Anna Cherry which expires on December 31, 2010.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 09-C-1823 (2) A Communication by **Councilmembers H. Lamar Willis, Post 3 At-Large; Felicia A. Moore, District 9 and C. T. Martin, District 10** re-appointing Ms. Allyson T. McCarthy to serve as a member of the Urban Design Commission. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 09-C-1824 (3) A Communication from **Ms. Cristina Beamud, Executive Director, Atlanta Citizen Review Board, to Council President Lisa M. Borders and Members of Council** submitting the Atlanta Planning Advisory Board appointment of Mr. Maceo C. Williams, Sr. representing NPU's S-Z to serve as their representative on the Atlanta Citizen Review Board. This appointment is to fill the unexpired term of Mr. LaShawn Hoffman which expires on October 20, 2011.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION
- 09-C-1825 (4) A Communication from **Ms. Cristina Beamud, Executive Director, Atlanta Citizen Review Board, to Council President Lisa M. Borders and Members of Council** submitting the Atlanta Planning Advisory Board appointment of Mr. James Doyle representing NPU's G-L to serve as their representative on the Atlanta Citizen Review Board. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

VETOED LEGISLATION

Council President Lisa M. Borders Presided

VETOED LEGISLATION

NONE

UNFINISHED BUSINESS

Council President Lisa M. Borders Presided

UNFINISHED BUSINESS

NONE

**CONSENT AGENDA
SECTION I**

10/19/09 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-1787, 09-R-1729, 09-O-1069 and 09-O-1417 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: **11 Yeas:** Councilmembers Smith, Young, Winslow, Archibong, Shook, Muller, Moore, Maddox, Sheperd, Mitchell, and Norwood. **0 Nays.**

SECTION I

ORDINANCES FOR SECOND READING

CITY UTILITIES COMMITTEE

CARLA SMITH, CHAIR

09-O-1660 (1) A **Substitute Ordinance as Amended** 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 Six Million Four Hundred Ninety-One Thousand Eleven Dollars and No Cents (\$6,491,011.00) to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the Supplemental Program Management Services Project; and for other purposes.

ADOPTED SUBSTITUTE AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-O-1661 (2) 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.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JIM MADDOX, CHAIR

09-O-1320 (3) An Ordinance by **Community Development/Human Resources Committee** amending the 2009 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations in the amount of \$435,131.00, to increase the Budget amount authorized by the U. S. Department of Housing and Urban Development (HUD) for the City of Atlanta Section 8 Moderate Rehabilitation Program for Arcadia Downs Apartment; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
JIM MADDOX, CHAIR

- 09-O-1668 (4) 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.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
CLETA WINSLOW, CHAIR

- 09-O-1069 (5) An Ordinance by **Councilmember C. T. Martin** to amend Section 162-260 (a), (Entitled "Fees Charged by Vehicle Immobilization Service") of the Code of Ordinances of the City of Atlanta, Georgia, so as to increase the allowable fee charged by Vehicle Immobilization Services, to the owner of any immobilized vehicle or personal property, from \$50.00 per day to \$75.00 per day; to waive conflicting ordinances; and for other purposes. **(Public Hearing held 7/14/09)**

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

SEE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE REPORT

- 09-O-1417 (6) A **Substitute** Ordinance by **Public Safety and Legal Administration Committee** amend the FY 2010 (General Fund) Budget by adding to anticipations and appropriations funds from Wachovia Bank on behalf of the Atlanta Fire and Rescue Department in the amount of \$438,843.00 for the purpose of supporting the Mobile Data Computers and Automatic Vehicle Locators; and for other purposes.

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

SEE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE REPORT

10/19/09 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 (CONT'D)

CLETA WINSLOW, CHAIR

09-O-1724 (7) An Ordinance by **Finance/Executive Committee** amending the 2010 (Intergovernmental 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 Hiring Recovery Program Award from the United States Department of Justice; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-O-1807 (8) 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.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-O-1810 (9) An Ordinance by **Councilmembers Carla Smith, Ceasar C. Mitchell, H. Lamar Willis, C. T. Martin, Jim Maddox, Ivory L. Young, Jr., Kwanza Hall, Natalyn M. Archibong, Felicia A. Moore, Clair Muller, Joyce Sheperd, Cleta Winslow, Mary Norwood and Anne Fauver as Amended by Public Safety and Legal Administration Committee** 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.

**ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL
VOTE OF 11 YEAS; 0 NAYS**

TRANSPORTATION COMMITTEE

CLAIR MULLER, CHAIR

09-O-1693 (10) 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.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

10/19/09 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

HOWARD SHOOK, CHAIR

- 09-O-1703 (11) A **Substitute** 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 M. Blank Family Foundation Funds and ACoRA Funds as shown below; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-O-1722 (12) A **Substitute** 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 Hiring Recovery Program Award from the United States Department of Justice; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-O-1723 (13) A **Substitute** 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"), to transfer twenty-three (23) Sworn Public Safety Positions from General Fund to the Department of Justice Assistance Grant (JAG); and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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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)

HOWARD SHOOK, CHAIR

09-O-1803 (14) An Ordinance by **Councilmembers Felicia A. Moore, Kwanza Hall, Joyce Sheperd, Carla Smith, H. Lamar Willis, Jim Maddox, Ceasar C. Mitchell, Clair Muller, C. T. Martin, Mary Norwood, Anne Fauver and Cleta Winslow as Substituted by Finance/Executive Committee** to allow City of Atlanta employees to donate leave to an employee affected by the Flood of 2009; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-O-1805 (15) 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 (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.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

RESOLUTIONS

CITY UTILITIES COMMITTEE

CARLA SMITH, CHAIR

09-R-1317 (1) A Resolution by **City Utilities Committee** authorizing the Mayor or her designee to enter into an agreement between the City of Atlanta and the Park Central Condominium Association, Inc., to allow for the erection of decorative, iron fencing within the public right-of-way; and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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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-1729 (2) An **Amended** Resolution by **City Utilities Committee** further **Amended by the Full Council** authorizing the Mayor to execute Amendment Agreement No. 1 with MWH/Khafra, JV, for FC-4343, Program Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed Eighteen Million, Four hundred Ninety-One Thousand, Eleven Dollars and No Cents (\$18,491,011.00); all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number 5066 (2009A Water and Wastewater Bond Fund) 170101 (DWM Commissioner of Watershed Management) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive) 102335.21876 and Project - 17102335 Task - 104 Award - 506621876 Expense - 5212001 Organization - COA; and for other purposes.

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

SEE CITY UTILITIES COMMITTEE REPORT

09-R-1813 (3) A Resolution by **Councilmember Joyce Sheperd as Substituted by City Utilities Committee** 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 South Town Trail Project to complete the Hipp Street Pedestrian Trail Project in an amount not to exceed \$52,563.00; all work to be charged to and paid from the following Fund, Department and Account Number and PTAE0 funding sources listed; and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JIM MADDOX, CHAIR

09-R-1735 (4) A Resolution by **Community Development/Human Resources Committee** designating the Commissioner of the Department of Planning and Community Development as the Certifying Local Official for purposes of signing and submitting quarterly reports to the Georgia Department of Community Affairs (DCA) which are required by DCA of all recipients of funds under the Neighborhood Stabilization Program (NSP) of the Housing and Economic Recovery Act of 2008 (HERA); and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
JIM MADDOX, CHAIR

09-R-1738 (5) A **Substitute** Resolution by **Community Development/Human Resources Committee** to authorize the Mayor to amend a Contractual Agreement with Real Estate Alliance Partners (REAL), Resources for Residents and Communities (RRC), and University Community Development Corporation (UCDC) to allow a budget line modification in excess of ten percent; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1322 (6) A **Substitute** Resolution by **Community Development/Human Resources Committee** authorizing the Mayor on behalf of the Department of Planning and Community Development, Bureau of Housing, to enter into a Housing Assistance Payments Contract with Teresa C. Mitchell, for no longer than one year in an amount not to exceed \$367,035.00, in order to pay rental subsidies and utility allowances on behalf of 53 Low Income Families at Arcadia Downs Apartment, pursuant to the Section 8 Moderate Rehabilitation Program sponsored by the U.S. Department of Housing and Urban Development; all funds shall be charged to and paid from PTAE0 25200668 111 250130366 5239004 COA; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1820 (7) A Resolution by **Community Development/Human Resources Committee** supporting the 7th Annual Jim Maddox Holiday Toys for Kids Program; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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-1672 (8) A **Substitute** Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor or her designee to enter into an agreement with the Atlanta Independent School System and the City of Atlanta for the lease of property at 407 Ashwood Avenue, Atlanta, Georgia, for the purpose of housing the Atlanta Fire Department Training Section; for a monthly rate of \$9,240.00 per month for the first year with an increase of five percent (5%), each year thereafter until the end of the five year lease term; and for other purposes.
ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1740 (9) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Ruth Green v. City of Atlanta, Georgia, et al., Civil Action File No. 2007-CV-144588, Fulton Superior Court, in the amount of \$148,000.00; authorizing said payment to be paid from Fund 1001 (General Fund) Account 5212005 (Litigation Expenses) Center Number 200101 (Non-Departmental) and 1512000 (Functional Activity) Authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

TRANSPORTATION COMMITTEE
CLAIR MULLER, CHAIR

09-R-1779 (10) A Resolution by **Transportation Committee** establishing the Compensation Limit for the Hartsfield-Atlanta Construction Managers, LLC to provide Construction Management Services under Contract No. FC-7217-00A, during the 4th year of the 1st 5-Year Renewal Term in a total not to exceed the amount of \$6,112,443.00; to be paid from various Accounts.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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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-1780 (11) A Resolution by **Transportation Committee** establishing the Compensation Limit for Hartsfield-Jackson Construction Management under Contract No. FC-7217-00B, during the 4th year of the 1st 5-Year Renewal Term in a total not to exceed the amount of \$5,156,717.00; to be paid from various Accounts herein.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-R-1781 (12) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Amendment to the Reimbursable Agreement with Atlanta Airlines Terminal Corporation extending the term for the provision of Passenger Bus Service during periods of Automated People Mover No Shuttle Operations at Hartsfield-Jackson Atlanta International Airport; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-R-1782 (13) A Resolution by **Transportation Committee** authorizing the Mayor to execute a Second Renewal Agreement with International Aviation Consultants, LLC, under Contract No. FC-7068-99, Program Management Services, and establishing the compensation limit for the First Year of the renewal term in an amount not to exceed \$15,965,000.00; to be paid from various Accounts.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

FINANCE/EXECUTIVE COMMITTEE

HOWARD SHOOK, CHAIR

09-R-1785 (14) A **Substitute** Resolution by **Finance/Executive Committee** to correct Resolution Number 09-R-0492 Adopted by the Atlanta City Council on April 20, 2009, and Approved by the Mayor on April 27, 2009; and for other purposes.

**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE
OF 11 YEAS; 0 NAYS**

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Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

HOWARD SHOOK, CHAIR

09-R-1786 (15) A Resolution by **Finance/Executive Committee** authorizing the Chief Financial Officer to refund \$5,726.18 to Filmworks USA, Inc., for an overpayment of Business License Fees to the City of Atlanta.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-R-1787 (16) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute Amendment Agreement Number 6 with A-Action Janitorial Services, Inc., for FC-7665-04A, Citywide Janitorial Services, on behalf of the Executive Offices, Office of Enterprise Assets Management to add the sites and funding for the Atlanta Workforce Development Agency (AWDA) and Municipal Court in an amount not to exceed \$96,662.07; all contracted work to be charged to and paid from Fund, 1001 (General Fund), Department 040404 (Exe. Facility Maintenance-AWDA), Account 5212001 (Consulting/Professional), Function Activity 1565000 (General Government Buildings & Plants) - \$33,750.00, 1001 (General Fund), Department 040406 (Exe. Facility Maintenance-Municipal Court), 5212001 (Consulting/Professional), Function Activity 1565000 (General Government Buildings & Plants) - \$62,912.07; and for other purposes.

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

SEE FINANCE/EXECUTIVE COMMITTEE REPORT

09-R-1789 (17) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et seq. of the Procurement and Real Estate Code, to utilize the State of Georgia Contract #GTA000119, with Konica Minolta, for the lease and maintenance of one (1) Konica Minolta Bizhub C451 Digital Color, Black and White Copier, for a period not to exceed forty-eight (48) months, on behalf of the Executive Offices-Office of Enterprise Assets Management in an amount not to exceed \$29,064.00; to be paid in annual increments of \$7,266.00. All contracted work shall be charged to and paid from 1001 (General Fund) Department 040401 (Exe. General Building & Plants), Account 5223202 (Operating Lease/Rental-Equipment) Function Activity 1565000 (Gen. Gov-Bldgs./& Plants); and for other purposes.
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

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Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

HOWARD SHOOK, CHAIR

09-R-1790 (18) 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 Number GS-35F-4543G with DLT Solutions, Inc., for the Renewal of ScriptLogic Desktop Authority Software Licenses, Maintenance and Support for one (1) year on behalf of the Department of Information Technology in an amount not to exceed \$54,057.72; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050212 (DIT Server Management) 5316015 (Software (5,000+)) 1535000 (Data Processing/Management Information System); and for other purposes.

ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1791 (19) 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-5237H with BMC Software Distribution, Inc., for the Renewal of Maintenance and Support for the Remedy Help Desk Application for One (1) Year beginning December 1, 2009 and ending on November 30, 2010 on behalf of the Department of Information Technology in an amount not to exceed \$50,364.18; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050202 (IT Applications) 5316015 (Software (\$5,000+)) 1535000 (Data Processing/Management Information System); and for other purposes.

ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

HOWARD SHOOK, CHAIR

09-R-1792 (20) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into Renewal Agreement No. 1 with Open Text Corporation, for the purpose of providing Software and Maintenance Agreement for the Enterprise Content Management System ("ECMS"), in an amount not to exceed \$199,913.04; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number Fund, Department Organization and Account Numbers 5051 (Water and Wastewater Revenue) 170113 (DWM-Information Systems) 5213001 (Consulting/Professional) 1535000 (Data Processing/Management); and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-R-1793 (21) A Resolution by **Finance/Executive Committee** authorizing the Chief Procurement Officer to utilize the State of Georgia Contract S-000546-043 with Cisco Systems, Inc. to enter into a Cisco Support Agreement (SMARTnet) on behalf of the Department of Watershed Management in an amount not to exceed \$75,383.02; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number Fund, Department Organization and Account Numbers 5051 (Water & Wastewater Revenue Fund). 5213001 (Information Systems Consulting), 1535000 (Data Processing/Management) 170113 (DWM Information Systems); and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

09-R-1794 (22) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute an Agreement with Insight Public Sector, Inc. utilizing the U. S. Communities Contract/Reuters Contract RQ09-997736-42B for the purchase of thirty (30) Enquesta 3E Mobile Panasonic CF-30 Tough Books on behalf of the Department of Watershed Management/Billing, Meter Read & Inspections & DIT in an amount not to exceed \$130,740.00; all contracted work will be charged to and paid from Fund, Department Organization and Account Number 5051 (Water & Wastewater Renewal Fund) 5316005 (Computers \$1,000.00-\$4,999) 170506 (Technical Support) 1535000 (Information System); and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS**

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
CLETA WINSLOW, CHAIR

Claims with favorable recommendations:

- 09-R-1741 (1) Claim of **Jeannette Smith**, for vehicular damages alleged to have been sustained from driving over a pothole on June 12, 2009 at 3301 North Camp Creek Parkway. **\$596.16**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1742 (2) Claim of **Misty McNeeley**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on May 30, 2009 at 1311 West Paces Ferry Road. **\$719.33**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1743 (3) Claim of **Luther Harris**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on April 13, 2009 at 1311 West Paces Ferry Road. **\$1,116.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1744 (4) Claim of **Randall Frazier**, for vehicle damages alleged to have been sustained as a result of a pothole on April 25, 2009 at Fairburn Road and North Camp Creek Parkway. **\$1,468.32**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1745 (5) Claim of **Phyllis Jones**, for damages alleged to have been sustained as a result of a vehicular accident on April 20, 2009 at Whitehall Street and McDaniel Street. **\$1,631.58**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1746 (6) Claim of **TransPaC Solutions, as subrogee of EISAI Corporation**, for vehicle damages alleged to have been sustained as a result of a pothole on October 25, 2008 at Fairburn Road and North Camp Creek Parkway. **\$2,384.56**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS

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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-1747 (7) Claim of **Liberty Mutual Fire Insurance Company, as subrogee of Kari Srikanth**, for damages alleged to have been sustained as a result of a vehicular accident on January 15, 2009 at 1030 Delta Boulevard. **\$3,396.43**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1748 (8) Claim of **Progressive Insurance Company, as subrogee of Melishia Carter**, for damages alleged to have been sustained as a result of a vehicular accident on June 9, 2009 at Delowe Drive and Campbellton Road. **\$4,076.68**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1749 (9) Claim of **Shantae Walton, through her attorney, Sheryl Burke**, for damages alleged to have been sustained as a result of walking into an uncovered water meter box on September 29, 2008 at 574 North Avenue. **\$4,250.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1750 (10) Claim of **Horace Mann Bond**, for damages alleged to have been sustained as a result of driving over a broken manhole cover on June 30, 2009 at 620 Brownlee Road. **\$4,450.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1751 (11) Claim of **Travelers Insurance Company, as subrogee of Edivia Tangren**, for damages alleged to have been sustained as a result of driving over an uncovered manhole on June 18, 2009 at 833 Memorial Drive. **\$5,867.34**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS
- 09-R-1752 (12) Claim of **Progressive Premier Insurance Company of Illinois, as subrogee of Amy Phillips**, for vehicular damages alleged to have been sustained from an automobile accident on June 22, 2009 at 371 Boulevard, SE. **\$7,631.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS

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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-1753 (13) Claim of **Patricia Sullivan, through her attorney, W. Bryant Green, III**, for damages alleged to have been sustained as a result of a vehicular accident on January 30, 2009 at Ralph David Abernathy Boulevard and Central Avenue. **\$10,250.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS

09-R-1754 (14) Claim of **Annie Ruth English, through her attorney, W. Bryant Green, III**, for damages alleged to have been sustained as a result of a vehicular accident on January 30, 2009 at Ralph David Abernathy Boulevard and Central Avenue. **\$10,250.00**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;
0 NAYS

Claims with unfavorable recommendations:

09-R-1755 (15) Claim of **Delores Cayton, through her attorney, Franklin R. Evans, Esq., Montlick & Associates, P. C.**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on August 16, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1756 (16) Claim of **Rosemary Powers, through her attorney, Franklin E. Parker, Esq., Deming, Parker, Hoffman, Campbell & Daly**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on August 12, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1757 (17) Claim of **Korean Air**, for damages alleged to have been sustained to an aircraft by Foreign Object Debris (FOD) associated with flights arriving and departing the airport on March 29, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

10/19/09 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-1758 (18) Claim of **Korean Air**, for damages alleged to have been sustained to an aircraft by Foreign Object Debris (FOD) associated with flights arriving and departing the airport in December 2008 and March 29, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1759 (19) Claim of **Ansley Coleman, a minor, by and through her parents, John & Jennifer Coleman, through their attorney, Andrew C. Ausband, Esq.**, for damages alleged to have been sustained when a child's shoe became entrapped in an escalator on May 29, 2008 at 8700 Spine Road, Hartsfield-Jackson International Airport.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1760 (20) Claim of **Sandra D. Cheney, through her attorney, James J. Kelleher, Esq., Morgan & Morgan, Attorneys at Law**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on July 12, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1761 (21) Claim of **Ana A. Sarete, through her attorney, Edwin H. Howard, Esq., Bonville & Howard**, for bodily injuries alleged to have been sustained from a fall on the train on March 10, 2008 at Hartsfield-Jackson International Airport, 8700 Spine Road.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1762 (22) Claim of **Chanelle Pearson**, for vehicular damages alleged to have been sustained from driving over a pothole on July 20, 2009 at 1300-1322 Ponce de Leon Avenue, NE.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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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-1763 (23) Claim of **Charles E. Bailey**, for vehicular damages alleged to have been sustained from driving over a pothole on July 20, 2009 at 1300-1322 Ponce de Leon Avenue, NE.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1764 (24) Claim of **Cyrelle Chibberton**, for vehicular damages alleged to have been sustained from driving over a construction site on June 21, 2009 at 184 Ponce de Leon Avenue, NE.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1765 (25) Claim of **Kenya Green, through her attorney, Golden & Malachi, LLC**, for bodily injuries alleged to have been sustained due to a fallen tree on July 12, 2009 on State Route 166 westbound.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1766 (26) Claim of **Constance King, through her attorney, Golden & Malachi, LLC**, for bodily injuries and vehicular damages alleged to have been sustained due to a fallen tree on July 12, 2009 on State Route 166 westbound.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1767 (27) Claim of **Farmers Insurance Group, as subrogee of Eric Freudenheim**, for vehicular damages alleged to have been sustained from driving over a construction site that was improperly covered on February 27, 2009 at North Decatur Road, NE and Oxford Road, NE.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1768 (28) Claim of **First Acceptance Services, Inc., as subrogee of Mildred Smith**, for bodily injuries alleged to have been sustained due to an automobile accident on May 12, 2009 at Northside Drive, NW and Spring Valley Road, NW.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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-1769 (29) Claim of **Andrea Scarantino**, for damages alleged to have been sustained from a fallen tree on March 31, 2009 at 556 Linwood Avenue.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-R-1770 (30) Claim of **Daren P. Craig**, for damages alleged to have been sustained from a fallen tree on June 21, 2009 at 2527 Bellview Avenue, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-R-1771 (31) Claim of **Lanetha Pitts, on behalf of minor child, Tariz Ward**, for bodily injuries alleged to have been sustained from a fall on June 30, 2009 at 365 Cleveland Avenue, SE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-R-1772 (32) Claim of **Angela Jones Curry**, for damages alleged to have been sustained when clothing was spoiled during a wash cycle on April 7, 2009 at 1893 Sylvan Ridge Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-R-1773 (33) Claim of **Deborah Vaughn, through her attorney, Eugene A. Novy, Esq., Novy, Jaymes & Vaughan**, for damages alleged to have been sustained from inappropriate conduct of a police officer on March 25, 2009 at 13 Iron Bound Place, NW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS
- 09-R-1774 (34) Claim of **Greater Israel Christian Fellowship, Inc., through its attorney, Sam L. Starks, Esq., Martin & Jones**, for property damages alleged to have been sustained from sewer backups on January 9, 2009 and February 27, 2009 at 3255 Empire Boulevard, SW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

10/19/09 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-1775 (35) Claim of **Wendy Whitehurst**, for damages allegedly sustained as a result of a sewer separation project on November 1, 2007 at 1101 Harwell Street.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1776 (36) Claim of **Brenda H. Brown**, for damages alleged to have been sustained when seized personal property was not properly submitted to the Police Department's Property Management Division on June 8, 2009 at 12th Street and Spring Street.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-R-1777 (37) Claim of **Charlotte S. Mapp**, for vehicular damages alleged to have been sustained from driving over a pothole on July 20, 2009 at East Ponce de Leon Avenue and Briarcliff Road.

ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

**CONSENT AGENDA
SECTION II**

Council President Lisa M. Borders Presided

CONSENT AGENDA

SECTION II

ORDINANCES FOR FIRST READING

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JIM MADDOX, CHAIR

All items on Consent Agenda II (1 through 8 as follows) were Referred to the appropriate committees as a collective vote.

09-O-1730 (1) An Ordinance by **Community Development/Human Resources Committee** amending the 2008 Action Plan of the 2005-2009 City of Atlanta Local Consolidated Plan to amend the Neighborhood Stabilization Program Budget by reducing and adding to anticipations and transferring to and from appropriations in the amount of \$800,000.00; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

09-O-1731 (2) An Ordinance by **Community Development/Human Resources Committee** amending Section 110-59 of the Atlanta Code of Ordinances by adding a new Subsection (e) that shall set forth conduct prohibited on the Isamu Noguchi Playscape; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

09-O-1732 (3) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor or her/his designee, on behalf of the City, to enter into agreements with performers, artists, and sponsors for the 2010, 2011 and 2012 Atlanta Jazz Festival and Atlanta Music Festival in Atlanta, and to charge admission fees for select events at those festivals; and directing that all Jazz Festival and Music Festival revenues and expenses be deposited and expended from the accounts listed below; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

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Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)

JIM MADDOX, CHAIR

09-O-1733 (4) An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor or her/his designee, on behalf of the City, to enter into Vending Agreements for the 2010, 2011, and 2012 Atlanta Jazz Festival and Atlanta Music Festival in Atlanta, and directing the all Jazz Festival Vending Fees be deposited into the Jazz Festival Trust Fund, 7701 (Trust) 140401 (PRC Cultural Affairs Admin) 3710001 (Contribution/Donations) 5***** 6110000 (Cultural/Recreation Admin) 600346 (Atlanta Jazz Festival) 69999 (Trust Non Capital); and that all Atlanta Music Festival Vending Fees be deposited into the Atlanta Music Festival Trust Fund: 7701 (Trust) 140401 (PRC Cultural Affairs Admin) 3710001 (Contributions/Donations) 5***** 6110000 (Cultural/Recreation Admin) 600347 (Montreaux Music Festival) 69999 (Trust Non Capital); and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

09-O-1734 (5) An Ordinance by **Community Development/Human Resources Committee** amending the 2009 (Community Development Fund) Budget by reducing and adding to anticipations and transferring to and from appropriations in the amount of \$444,405.00 and by amending the 2009 (Intergovernmental Grant Fund) Budget by reducing and adding to anticipations and transferring to and from appropriations in the amount of \$2,238,685.00 for the purpose of funding various projects for inclusion in the 2010 Annual Action Plan of the 2010-2014 Consolidated Plan; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

TRANSPORTATION COMMITTEE

CLAIR MULLER, CHAIR

09-O-1778 (6) An Ordinance by **Transportation Committee** authorizing the Mayor or her designee to convert William H. Borders Drive, SE, between Decatur Street, SE and Chamberlain Street, SE, from a One-Way Street to a Two-Way Street; and for other purposes.

REFERRED TO TRANSPORTATION COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

Council President Lisa M. Borders Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE

HOWARD SHOOK, CHAIR

09-O-1784 (7) 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 AT&T Communication Systems Southeast under an expired Agreement for the period beginning July 1, 2009 through November 15, 2009; for an amount not to exceed \$116,920.00, all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050209 (DIT IT Telecommunications) 522002 (Repair and Maintenance-Equipment) 1535000 (Data Processing/Management Information Systems); and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

09-O-1815 (8) An Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer to amend the FY2010 (General Fund) Budget by transferring appropriations in the amount of _____ from Non-Departmental to various departments affected by the flood within the General Fund and to establish projects to assist with the Flood Recovery; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS

COMMITTEE REPORTS

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS

COMMITTEE ON COUNCIL (1)

FELICIA A. MOORE, CHAIR

Attendance at the October 19, 2009 meeting of the Committee on Council was as follows:

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

Absent: Councilmember Fauver

COMMUNICATION

09-C-1659 (1) 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. **(Favorable by Finance/Executive Committee 10/14/09.)**
CONFIRMED BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

ORDINANCE FOR FIRST READING

09-O-1868 (1) An Ordinance by **Committee on Council** to amend the 2001 City of Atlanta Precincts and Polling Places as a result of emergency precinct relocation; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

ORDINANCE FOR SECOND READING

09-O-1541 (2) A **Substitute** Ordinance by **Committee on Council** to amend the 2001 City of Atlanta Precincts and Polling Places in Precinct 02D, 03N, 09F, 12A and 12B as a result of permanent or temporary precinct relocation; and for other purposes. **(Held 9/21/09 by the Committee for additional information and a substitute.)**
ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

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Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)

CARLA SMITH, CHAIR

Attendance at the October 13, 2009 meeting of the City Utilities Committee was as follows:

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

Absent: Councilmember Shook

ITEM REMOVED FROM CONSENT AGENDA

09-R-1729 (1) An **Amended Resolution** by **City Utilities Committee** further **Amended by the Full Council** authorizing the Mayor to execute Amendment Agreement No. 1 with MWH/Khafra, JV, for FC-4343, Program Management Services, on behalf of the Department of Watershed Management, in an amount not to exceed Eighteen Million, Four hundred Ninety-One Thousand, Eleven Dollars and No Cents (\$18,491,011.00); all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number 5066 (2009A Water and Wastewater Bond Fund) 170101 (DWM Commissioner of Watershed Management) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive) 102335.21876 and Project - 17102335 Task - 104 Award - 506621876 Expense - 5212001 Organization - COA; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Smith. Chairperson Smith sounded the caption to Resolution 09-R-1729 and offered Amendment #1/#1 which amends the caption and final resolve clause by deleting Fund Number 5051 (Water and Wastewater Revenue Fund) and replace it with 5066 (2009A Water and Wastewater Bond Fund). Following, a discussion ensued. After which, Smith Amendment #1/#1 CARRIED by a roll call vote of 11 yeas; 1 nay. Chairperson Smith then made a Motion to Adopt as Amended. Subsequently, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

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

ORDINANCE FOR SECOND READING

09-O-1812 (1) An Ordinance by **Councilmember Ceasar C. Mitchell as Amended by City Utilities Committee** authorizing the City of Atlanta to waive the provisions contained in Chapter 138, Article II, Division 6, Section 138-60(a)(1) 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.

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

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (2)
CARLA SMITH, CHAIR

RESOLUTIONS

The following items (09-R-0935 and 09-R-0936) were taken as a collective vote.

- 09-R-0935 (1) A **Substitute** Resolution by **City Utilities Committee** authorizing the Mayor to enter into an agreement with Institutorm Technologies, Inc., for FC-4993, Sewer Groups II Rehabilitation Cured-In-Place Pipe, Contract D, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,697,227.50 all contracted work shall be charged to and paid from Project, Award, Task, Expenditure and Organization Number and Fund, Department Organization and Account Number listed; and for other purposes.

Chairperson Smith sounded the caption to Resolutions 09-R-0935 and 09-R-0936 and made a Motion to Adopt both on Substitute. A discussion ensued, during which, Councilmember Norwood made a substitute Motion to Refer both resolutions back to the City Utilities Committee. However, the Motion died due to the lack of a Second. Subsequently, the original Motion to Adopt on Substitute was then CARRIED by a roll call vote of 10 yeas; 1 nay; 1 abstention.

Note: Councilmember Mitchell stated for the record his abstention to 09-R-0935 and 09-R-0936 was due to a potential conflict of interest.

**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 10 YEAS;
1 NAY; 1 ABSTENTION**

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Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (3)
CARLA SMITH, CHAIR

RESOLUTIONS (CONT'D)

09-R-0936 (2) A **Substitute** Resolution by **City Utilities Committee** authorizing the Mayor to enter into an agreement with Institutorm Technologies, Inc., for FC-4994 Sewer Groups II Rehabilitation Cured-In-Place Pipe, Contract E, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,986,761.60; all contracted work shall be charged to and paid from Fund, Department and Account Number Project, Award, Task, Expenditure and Organization Number and Fund, Department Organization and Account Number listed; and for other purposes.

Chairperson Smith sounded the caption to Resolutions 09-R-0935 and 09-R-0936 and made a Motion to Adopt both on Substitute. A discussion ensued, during which, Councilmember Norwood made a substitute Motion to Refer both resolutions back to the City Utilities Committee. However, the Motion died due to the lack of a Second. Subsequently, the original Motion to Adopt on Substitute was then CARRIED by a roll call vote of 10 yeas; 1 nay; 1 abstention.

Note: Councilmember Mitchell stated for the record his abstention to 09-R-0935 and 09-R-0936 was due to a potential conflict of interest.

**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 10 YEAS;
1 NAY; 1 ABSTENTION**

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (1)
JIM MADDOX, CHAIR

Attendance at the October 13, 2009 meeting of the Community Development/Human Resources Committee was as follows:

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

Absent: None

The Standing Committee of Community Development/Human Resources did not have a report.

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Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

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

Attendance at the October 13, 2009 meeting of the Public Safety and Legal Administration Committee was as follows:

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

Absent: Councilmember Willis

ITEMS REMOVED FROM CONSENT AGENDA

09-O-1069 (1) An Ordinance by **Councilmember C. T. Martin** to amend Section 162-260 (a), (Entitled “Fees Charged by Vehicle Immobilization Service”) of the Code of Ordinances of the City of Atlanta, Georgia, so as to increase the allowable fee charged by Vehicle Immobilization Services, to the owner of any immobilized vehicle or personal property, from \$50.00 per day to \$75.00 per day; to waive conflicting ordinances; and for other purposes. **(Public Hearing held 7/14/09)**

The above item was removed from the Consent Agenda by request of Councilmember Moore. Chairperson Winslow sounded the caption to Ordinance 09-O-1069 and made a Motion to Adopt. After a brief discussion, the Motion CARRIED by a roll call vote of 11 yeas; 1 nay.

ADOPTED BY A ROLL CALL VOTE OF 11 YEAS; 1 NAY

09-O-1417 (2) A **Substitute** Ordinance by **Public Safety and Legal Administration Committee** amend the FY 2010 (General Fund) Budget by adding to anticipations and appropriations funds from Wachovia Bank on behalf of the Atlanta Fire and Rescue Department in the amount of \$438,843.00 for the purpose of supporting the Mobile Data Computers and Automatic Vehicle Locators; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Mitchell. Mr. Mitchell stated for the record his removal of Ordinance 09-O-1417 from the Consent Agenda was to record his abstention vote. Chairperson Winslow then sounded the caption to the ordinance and made a Motion to Adopt on Substitute. Without Objection, the Motion CARRIED by a roll call vote of 10 yeas; 0 nays; 2 abstentions.

Note: Councilmembers Muller and Mitchell stated for the record their abstention to Ordinance 09-O-1417 was due to a potential conflict of interest.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 10 YEAS; 0 NAYS; 2 ABSTENTIONS

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

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

RESOLUTION

- 09-R-1671 (1) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor or her designee to enter into an appropriate contractual agreement with Doctor Mark Waterman (Consultant) on behalf of the Department of Fire and Rescue in an amount not to exceed \$4,667.00 per month for the purpose of serving as the Medical Director for Emergency Medical Services; and for other purposes.
FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (1) **CLAIR MULLER, CHAIR**

Attendance at the October 14, 2009 meeting of the Transportation Committee was as follows:

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

Absent: Councilmember Willis

The Standing Committee of Transportation did not have a report.

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (1)

IVORY L. YOUNG, JR., CHAIR

Attendance at the October 14, 2009 meeting of the Zoning Committee was as follows:

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

Absent: Councilmembers Archibong and Shook

ORDINANCES FOR FIRST READING

All items for First Reading (1 through 4 as follows) were Referred to the appropriate committee as a collective vote.

09-O-1816 (1)
U-70-30 An Ordinance by **Zoning Committee** to amend Ordinance U-70-30, as adopted by the City Council on November 3, 1997 and returned without signature by the Mayor per Section 2-405 of the 1996 Charter for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **175 Racine Street, SW**; and for other purposes.

REFERRED TO ZONING COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-O-1817 (2)
U-71-6-S An Ordinance by **Zoning Committee** to amend Ordinance U-71-6-S, as adopted by the City Council on April 19, 1971 and approved by the Mayor on April 23, 1971 for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **1519 Lakewood Avenue, SE**; and for other purposes.

REFERRED TO ZONING COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-O-1818 (3)
U-79-12 An Ordinance by **Zoning Committee** to amend Ordinance U-79-12 as adopted by the City Council on August 20, 1979 and approved by the Mayor on August 29, 1979 for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **2062 Childress Drive, SW**; and for other purposes.

REFERRED TO ZONING COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

09-O-1819 (4)
U-97-29 An Ordinance by **Zoning Committee** to amend Ordinance U-97-29 as adopted by the City Council on February 1, 1997 and returned without signature by the Mayor per Section 2-405 of the 1996 Charter for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **191 Anne Street, SE**; and for other purposes.

REFERRED TO ZONING COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (1) **HOWARD SHOOK, CHAIR**

Attendance at the October 14, 2009 meeting of the Finance/Executive Committee was as follows:

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

Absent: None

REPORT

09-TR-1821 (1) Report of the **Chief Financial Officer** of the Transfer of Appropriations from one Line Item to another Line Item to various Funds as approved under Section 6-304(b) of the Charter of the City of Atlanta.

FILED BY A ROLL CALL VOTE OF 9 YEAS; 2 NAYS

ORDINANCES FOR SECOND READING

09-O-1700 (1) A **Substitute** 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; position funding allocation changes and other personnel actions in line with the 2010 Budget; and for other purposes.

Chairperson Shook sounded the caption to Ordinance 09-O-1700 and stated the recommendation from committee was Favorable on Substitute on Condition (receive outlining cost and budget ramifications for each department). The condition being met, Mr. Shook then offered Amendment #1/#1 to amend reclassifications without incumbents Section: Department of Watershed Management, Page 1 of 3, by deleting position 54839 and replacing with position 54838. Without Objection, Shook Amendment #1/#1 CARRIED by a roll call vote of 11 yeas; 0 nays. Following, Chairperson Shook made a Motion to Adopt on Substitute as Amended. Subsequently, the Motion CARRIED by a roll call vote of 11 yeas; 1 nay.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 11 YEAS; 1 NAY

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (2)
HOWARD SHOOK, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

09-O-1714 (2) An Ordinance and Charter Amendment by **Councilmembers Felicia A. Moore, Howard Shook, Mary Norwood, Ivory Lee Young, Jr., Anne Fauver, Carla Smith, Natalyn Archibong, Cleta 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, Reemployment 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 Reemployment of Retirees; to repeal conflicting Ordinances and Charter Amendments; and for other purposes. **(3rd READING, FINAL ADOPTION)**
ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

09-O-1801 (3) 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.

Chairperson Shook sounded the caption to 09-O-1801 and stated the ordinance was forwarded from committee With No Recommendation. Mr. Shook, on behalf of Councilmember Archibong, offered Amendment #1/#1 to add the language: the residual from the donations be distributed to Camp Best Friends and the trust account be closed immediately. The Archibong Amendment was then CARRIED by a roll call vote of 12 yeas; 0 nays. Following, Chairperson Shook made a Motion to Adopt as Amended. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

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

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (3)
HOWARD SHOOK, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

09-O-1802 (4) An Ordinance by **Councilmembers Felicia A. Moore, Clair Muller, H. Lamar Willis, Ivory Lee Young, Jr., Anne Fauver, Clea Winslow, Kwanza Hall, C. T. Martin, Ceasar C. Mitchell, Natalyn Archibong, Mary Norwood and Joyce Sheperd as Substituted by Finance/Executive Committee** authorizing the Chief Financial Officer to establish a Trust Fund Account for a reception honoring Atlanta City Councilmember Jim Maddox, the longest serving City Council Member in Atlanta's History; and for other purposes.

Note: Councilmember Maddox stated for the record his abstention to Ordinance 09-O-1802 was due to a potential conflict of interest.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS; 1 ABSTENTION

09-O-1811 (5) An Ordinance by **Councilmember Jim Maddox as Amended by Finance/Executive Committee** 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.

Chairperson Shook sounded the caption to 09-O-1811 and stated the recommendation from committee was Favorable as Amended on Condition. Mr. Shook then made a Motion to bring forth a Substitute. Without Objection, the Motion CARRIED by a roll call vote of 11 yeas; 1 nay. The Substitute was before Council. Following, Chairperson Shook made a Motion to Adopt on Substitute as Amended. The Motion CARRIED by a roll call vote of 10 yeas; 1 nay.

ADOPTED SUBSTITUTE AS AMENDED BY A ROLL CALL VOTE OF 10 YEAS; 1 NAY

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Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (4)
HOWARD SHOOK, CHAIR

RESOLUTION

09-R-1788 (1) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute a Sole Source Blanket Purchase Agreement with Neptune Technology Group, Inc. for the purchase of Water Meters, Meter Parts and Accessories on behalf of the Department of Watershed Management/Bureau of Drinking Water, in an amount not to exceed \$1,000,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account 5052 (Water & Wastewater Renewal & Extension Fund) 170409 (DWM Water System Repair-Chastain) 5311002 (Supplies Non-Consumable) 4440000 (Distribution); and for other purposes.

ADOPTED BY A ROLL CALL VOTE OF 11 YEAS; 1 NAY

ITEM REMOVED FROM CONSENT AGENDA

09-R-1787 (1) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute Amendment Agreement Number 6 with A-Action Janitorial Services, Inc., for FC-7665-04A, Citywide Janitorial Services, on behalf of the Executive Offices, Office of Enterprise Assets Management to add the sites and funding for the Atlanta Workforce Development Agency (AWDA) and Municipal Court in an amount not to exceed \$96,662.07; all contracted work to be charged to and paid from Fund, 1001 (General Fund), Department 040404 (Exe. Facility Maintenance-AWDA), Account 5212001 (Consulting/Professional), Function Activity 1565000 (General Government Buildings & Plants) - \$33,750.00, 1001 (General Fund), Department 040406 (Exe. Facility Maintenance-Municipal Court), 5212001 (Consulting/Professional), Function Activity 1565000 (General Government Buildings & Plants) - \$62,912.07; and for other purposes.

The above item was removed from the Consent Agenda by request of Councilmember Shook. Mr. Shook then sounded the caption to Resolution 09-R-1787 and stated his objection to the item. Following, Councilmember Moore was recognized and made a Motion to Adopt. It was properly Seconded and the Motion CARRIED by a roll call vote of 10 yeas; 2 nays. Ms. Moore, who voted on the prevailing side, made a Motion to Reconsider 09-R-1787 in order for Chairperson Shook to record his intended vote. It was Seconded by Councilmember Maddox and the Motion CARRIED by a roll call vote of 12 yeas; 0 nays. The

Council President Lisa M. Borders Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (5)
HOWARD SHOOK, CHAIR

ITEM REMOVED FROM CONSENT AGENDA (CONT'D)

09-R-1787 (1)
(Cont')

A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute Amendment Agreement Number 6 with A-Action Janitorial Services, Inc., for FC-7665-04A, Citywide Janitorial Services, on behalf of the Executive Offices, Office of Enterprise Assets Management to add the sites and funding for the Atlanta Workforce Development Agency (AWDA) and Municipal Court in an amount not to exceed \$96,662.07; all contracted work to be charged to and paid from Fund, 1001 (General Fund), Department 040404 (Exe. Facility Maintenance-AWDA), Account 5212001 (Consulting/Professional), Function Activity 1565000 (General Government Buildings & Plants) - \$33,750.00, 1001 (General Fund), Department 040406 (Exe. Facility Maintenance-Municipal Court), 5212001 (Consulting/Professional), Function Activity 1565000 (General Government Buildings & Plants) - \$62,912.07; and for other purposes.

resolution was before Council. Subsequently, the Motion to Adopt was CARRIED by a roll call vote of 10 yeas; 2 nays.

ADOPTED BY A ROLL CALL VOTE OF 10 YEAS; 2 NAYS

PERSONAL PAPERS

Council President Lisa M. Borders Presided

PERSONAL PAPERS

ORDINANCES/REFERRED

09-O-1876 (1) An Ordinance by **Councilmembers Ceasar C. Mitchell, Joyce M. Sheperd, Ivory Lee Young, Jr., Felicia A. Moore, Clair Muller, Mary Norwood, Carla Smith, Cleta Winslow, Natalyn Archibong, Kwanza Hall, Howard Shook and Jim Maddox** 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.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

09-O-1878 (2) An Ordinance by **Councilmember Howard Shook** authorizing the City of Atlanta to waive the competitive procurement provisions contained in Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances allowing the City to enter into Renewal Agreement No. 1 with Wright-Brown Electric Company, Inc., for FC-3006008004, installation, relocation, removal, and/or revisions of traffic signals, reversible lane signals, and/or street lights and associated hardware, for the installation of signals and radar signs for the Wieuca Road Project, on behalf of the Department of Public Works, in an amount not to exceed One Hundred Seventy Thousand One Hundred Twenty Five Dollars (\$170,125.00); all contracted work shall be charged to and paid from various fund department accounts and center numbers; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

09-O-1879 (3) An Ordinance by **Councilmember Howard Shook** amending the 2008 General Government Capital Outlay Fund Budget in the Departments of Planning and Community Development and Public Works by transferring between account the sum of Four Hundred Thousand Dollars and No Cents (\$400,000.00) for the purpose of funding system improvements along Wieuca Road; and for other purposes.

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION

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Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1882 (4) An Ordinance by **Councilmember Clair Muller** amending the 2009 (Gen. Gov't Outlay Fund) Budget by transferring from appropriations (3502.000001.1340001.0000000) in the amount of One Hundred Thirty Eight Thousand One Hundred Twenty Eight Dollars and Twenty Four cents (\$138,128.24) to add to anticipations (7701.140106.3912009.6220000.600356.69999) and appropriations (7701.140106.5411001.6220000.600356.69999) for park design and construction of the Howard Property on behalf of the Department of Parks, Recreation and Cultural Affairs; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION
- 09-O-1883 (5) An Ordinance by **Councilmember Clair Muller** to change the name of Pool Road, NW, to Elliott Galloway Way; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 09-O-1884 (6) An Ordinance by **Councilmember Kwanza Hall** to authorize the Mayor, on behalf of the City of Atlanta, to enter into a Memorandum of Understanding (MOU) with Georgia State University regarding the development, maintenance, and enhancement of Hurt Park; to authorize Georgia State University to receive vending permit(s) for its concession's program at the park; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 09-O-1885 (7) An Ordinance by **Councilmember Ivory Lee Young, Jr.** to rename Delbridge Street, NW from Sunset Avenue, NW to Walnut Street, NW, Dorothy Bolden Way; to waive Section 2-2 of the Code of Ordinances of the City of Atlanta; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 09-O-1887 (8) An Ordinance and Charter Amendment by **Councilmember Felicia A. Moore** 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 Sections 5-101 and 5-106 (pertaining to elections) 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 delete obsolete references to the Georgia Municipal Election Code and to update and replace said references to the Georgia Election Code; to repeal conflicting ordinances and charter amendments; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

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Council President Lisa M. Borders Presided

PERSONAL PAPERS (CONT'D)

ORDINANCES/REFERRED (CONT'D)

- 09-O-1888 (9) An Ordinance by **Councilmember Felicia A. Moore** to amend the following sections of Chapter 66 entitled "Elections" of the Code of Ordinances of the City of Atlanta, Georgia so as to delete obsolete references to the Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et. seq. and to update said sections with current references to the Georgia Election Code: Sections 66-1, 66-3, 66-4, 66-5, 66-6 and 66-7; to waive conflicting ordinances and code sections; and for other purposes.
REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION

RESOLUTIONS/REFERRED

- 09-R-1877 (1) A Resolution by **Councilmember Howard Shook** authorizing the Mayor to enter into Amendment Agreement No. 1 with Tople Construction, Inc., for FC-4943E, annual contract to construct sidewalks, driveways, curbs and gutters for the construction of the Wieuca Road Sidewalk Improvement Project on behalf of the Department of Public Works in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00); all contracted work shall be charged to and paid from various fund department and account numbers; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION
- 09-R-1880 (2) A Resolution by **Councilmember Howard Shook** authorizing the Bureau of Planning to change the City of Atlanta Cadastral Map to recognize an improved parcel of land at 2349 Hurst Drive, Atlanta, Georgia 30305 as a legal, non-conforming lot; and for other purposes.
REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION
- 09-R-1881 (3) A Resolution by **Councilmember Ceasar C. Mitchell** expressing the support of the Atlanta City Council and encouraging the implementation of the Atlanta Police Department's plan to increase the total number of personnel in the Red Dog Unit from its current strength of twenty-seven (27) officers, to sixty-two (62) officers to be achieved between July and December, 2010; and for other purposes.
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION
- 09-R-1886 (4) A Resolution by **Councilmember Clair Muller** supporting the naming of an unnamed stream in the City of Atlanta, Little Wolf Creek; and for other purposes.
REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION

ADJOURNMENT

10/19/09 Action Minutes

Council President Lisa M. Borders Presided

ADJOURNMENT

There being no further business to discuss, the October 19, 2009 meeting of the Atlanta City Council was adjourned at 3:24 p.m.

ADJOURNMENT ROLL CALL: Council President Lisa M. Borders (1); Councilmembers Smith, Hall, Young, Winslow, Archibong, Shook, Muller, Moore, Maddox, Sheperd, Mitchell and Norwood (12).