

# ATLANTA CITY COUNCIL

## ACTION/MINUTES

### NOVEMBER 16, 2009

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, November 16, 2009. The Meeting convened at 1:07 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

**PRESIDER (S):** The Honorable Council President Lisa M. Borders presided. The Honorable Council President Pro Tempore Natalyn Archibong and The Honorable Acting Council President Pro Tempore Felicia A. Moore presided during a portion of the meeting.

**Attendance:**

The following (15) voting members were present at the Meeting:

<b>The Honorable Carla Smith</b>	<b>The Honorable Felicia A. Moore</b>
<b>The Honorable Kwanza Hall *1:52</b>	<b>The Honorable C. T. Martin</b>
<b>The Honorable Ivory L. Young</b>	<b>The Honorable Jim Maddox *1:10</b>
<b>The Honorable Cleta Winslow *1:12</b>	<b>The Honorable Joyce Sheperd *1:10</b>
<b>The Honorable Natalyn Archibong *2:20</b>	<b>The Honorable Ceasar C. Mitchell</b>
<b>The Honorable Anne Fauver</b>	<b>The Honorable Mary Norwood</b>
<b>The Honorable Howard Shook</b>	<b>The Honorable H. Lamar Willis *1:52</b>
<b>The Honorable Clair Muller</b>	

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

**INVOCATION:** Chaplain Thomas Houston of the Atlanta Fire and Rescue gave the invocation.

**PLEDGE OF ALLEGIANCE:** In unison, lead by Councilmember Ivory Lee Young, Jr., 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 **November 02, 2009** Regular Meeting are true and correct. The Minutes were **FILED** without objection.

# COMMUNICATIONS

Council President Lisa M. Borders Presided

**COMMUNICATIONS**

- 09-C-2034 ( 1)      A Communication by **Councilmembers Cleta Winslow, District 4; Carla Smith, District 1; Kwanza Hall, District 2; Ivory Lee Young, Jr., District 3 and Ceasar C. Mitchell, Post 1 At-Large** appointing Mr. Karl Webster Barnes to serve as a member of the Board of Zoning Adjustment (BZA). This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**REFERRED TO ZONING COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION**
- 09-C-2035 ( 2)      A Communication by **Council President Lisa M. Borders** appointing Ms. Martha Porter Hall to serve as a member of the Board of Zoning Adjustment (BZA). This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**REFERRED TO ZONING COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION**
- 09-C-2036 ( 3)      A Communication by **Councilmembers Howard Shook, District 7; Natalyn Archibong, District 5; Anne Fauver, District 6; Clair Muller, District 8 and Mary Norwood, Post 2 At-Large** appointing Ms. Linda Sessler to serve as a member of the Board of Zoning Adjustment (BZA). This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**REFERRED TO ZONING COMMITTEE AND COMMITTEE ON COUNCIL 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**

Council President Lisa M. Borders Presided

**CONSENT AGENDA**

There was no separate discussion of the following items with the exception of items 09-O-0130 and 09-O-1864 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, Archibong, Fauver, Shook, Muller, Moore, Martin, Maddox, Sheperd, Mitchell, Norwood and Willis;* **0 Nays.**

**The original vote of Consent Agenda Section I was Adopted by a roll call of 12 yeas; 0 nays. However; later during the meeting, Councilmember Shook made a Motion to Reconsider Consent Agenda Section I to remove Ordinance 09-O-1864. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. Consent Agenda I was before Council. Mr. Shook then removed 09-O-1864. Subsequently, Consent Agenda Section I was Adopted by a roll call vote of 14 yeas; 0 nays.**

**SECTION I**

**ORDINANCES FOR SECOND READING**

**COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**JIM MADDOX, CHAIR**

09-O-0130 ( 1)      An **Amended** Ordinance by **Community Development/Human Resources Committee** to amend the 2008 City of Atlanta Strategic Action Plan by adopting “Atlanta BeltLine Master Plan Sub-Area 7: Northside/Peachtree/Piedmont”; and for other purposes. (CDP Public Hearing held 3/09/09)

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

**SEE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE REPORT**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**CLETA WINSLOW, CHAIR**

09-O-1854 ( 2)      An Ordinance by **Public Safety and Legal Administration Committee** amending the FY10 (Intergovernmental Grant Fund) Budget, City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations, in the amount of \$37,000.00, for grant funds from the Governor’s Office of Highway Safety, for the purpose of expanding the “Teens Learning Control Program” (TLC); and for other purposes.

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

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-1895 ( 3)      An Ordinance by **Public Safety and Legal Administration Committee** amending the Atlanta Code of Ordinances Chapter 30, Article XXIII entitled Vending on Public Property, to clarify that Public Property does not include City Parks; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**

**TRANSPORTATION COMMITTEE**  
**CLAIR MULLER, CHAIR**

- 09-O-1911 ( 4)      An Ordinance by **Councilmember Clair Muller as Substituted by Transportation Committee** to reduce the speed limit on West Wesley Road, NW to 30 miles per hour; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE**  
**OF 14 YEAS; 0 NAYS**
- 09-O-1915 ( 5)      An Ordinance by **Councilmember Howard Shook** amending the 2010 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations Georgia Department of Transportation (GDOT) Transportation Improvement Funds in the amount of \$457,985.00 for the purpose of funding the relocation of all traffic signal equipment along State Route 139 between Gordon Place, SW and Florida Avenue, SW; Project CSSFT-0008-00(277), P.I. Number 0008277; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**

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-1653 ( 6) An Ordinance by **Councilmember C. T. Martin as Substituted by Finance/Executive Committee** to amend Subsection (a) of Section 2-1139 (Using Agency Requirements) of Chapter 2 (Administration), Article X (Procurement and Real Estate Code), Division 2 (Chief Procurement Officer), of the Code of Ordinances of the City of Atlanta, Georgia so as to provide that no person employed in the Executive Office of the Mayor shall serve as a member of a Procurement Evaluation Team or shall in any way participate in the procurement process; to waive conflicting ordinances; and for other purposes.

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

09-O-1864 ( 7) An Ordinance by **Finance/Executive Committee** to provide for the Annexation of property located at 1500 Kay Lane to the corporate limits of the City of Atlanta, Georgia pursuant to the 100% Method; 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.

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

**SEE FINANCE/EXECUTIVE COMMITTEE REPORT**

09-O-1865 ( 8) An Ordinance by **Finance/Executive Committee** to anticipate and appropriate grant funds in the total amount of \$13,977,695.00 to be received from the Federal Aviation Administration's offer via Grant Agreement AIP 3-13-0008-90, for the payment of the United States share of 100% of Allowable Costs incurred in accomplishing the project listed as "Construct Apron, Phase II"; and for other purposes.

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

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-1866 ( 9)      An Ordinance by **Finance/Executive Committee** to anticipate and appropriate grant funds in the total amount of \$7,659,130.00 to be received from the Federal Aviation Administration's offer via Grant Agreement AIP 3-13-0008-91, for the payment of the United States share of 75% of allowable costs incurred in accomplishing the project listed as "Construct Apron Phase III"; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1901 (10)      An Ordinance by **Councilmember Jim Maddox** to amend Chapter 114, Personnel, Article "V", Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to transfer certain positions; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1908 (11)      An Ordinance by **Councilmember Kwanza Hall as Substituted by Finance/Executive Committee** to waive the Source Selection Provisions of Article X ("The Procurement and Real Estate Code") of the Atlanta City Code and authorizing the Mayor or her designee to enter into an agreement with Atlanta Gas Light Company pursuant to the Atlanta City Charter Subsection 6-402; to provide Gas Energy Efficient Improvements to the Atlanta Civic Center on behalf of the Department of Parks, Recreation and Cultural Affairs, Boisfeuillet Jones Atlanta Civic Center, in an amount not to exceed \$3,331,440.00; all contracted work will be charged to and paid from Account Segment Numbers identified in this Ordinance; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1914 (12)      An Ordinance by **Councilmember Felicia A. Moore as Substituted by Finance/Executive Committee** authorizing the Chief Financial Officer to amend the FY 2010 General Fund Budget & Solid Waste by transferring appropriations in the amount of \$700,000.00 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.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

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-1916 (13) An Ordinance by **Councilmember Howard Shook as Substituted by Finance/Executive Committee** amending Chapter 146 (Taxation), Article II (Ad Valorem Taxes), Sec. 1146-38 of the City of Atlanta Code of Ordinances entitled "Preferential Assessments for Landmark Historic Properties" for the purpose of clarifying the requisite criteria for such preferential assessment; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1917 (14) An Ordinance by **Councilmember Howard Shook as Substituted by Finance/Executive Committee** to amend the FY 2010 (Water and Wastewater Revenue Bond Fund) Budget by adding to anticipations and appropriations Bond Proceeds in the amount of \$449,275,138.85 for the City of Atlanta's Water and Wastewater Revenue Bonds, Series 2009B; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1921 (15) An Ordinance by **Councilmember Felicia A. Moore as Substituted by Finance/Executive Committee** transferring funds from the District 9 Councilmember Expense Account to Park Pride on behalf of the Carver Hills Neighborhood; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1931 (16) An Ordinance by **Councilmember Natalyn M. Archibong** correcting Ordinance Number 08-O-2260 which transferred funds from Council District 5 Expense Account to several Departments for the purpose of Code Enforcement Case Management and Sidewalk Improvements; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1935 (17) An Ordinance by **Councilmember Anne Fauver** transferring funds from the District 6 Councilmember Expense Account to Park Pride on behalf of the Lindridge/Martin Manor Neighborhood Association to assist in the improvement and maintenance of Greenspace at 2366 Armand Road, NE; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

Council President Lisa M. Borders Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**ORDINANCES FOR SECOND READING (CONT'D)**

**CITY UTILITIES COMMITTEE**

**CARLA SMITH, CHAIR**

- 09-O-0663 (18) A **Substitute** Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2010 (2004 Water and Wastewater – (5058)) Budget, in the amount of \$16,746,000.00; to transfer funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1826 (19) An Ordinance by **City Utilities Committee** authorizing the Mayor or her designee to abandon a portion of Florence Street, NE located between East Avenue, NE and the Dead-End of Florence Street consisting of approximately 0.128 acre and being more specifically described in the attached Exhibit “A,” lying and being in Land Lot 19 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. (Public Hearing held 11/10/09)  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1883 (20) An Ordinance by **Councilmember Clair Muller as Substituted by City Utilities Committee** to change the name of Pool Road, NW to Elliott Galloway Way; and for other purposes. (Public Hearing held 11/10/09)  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-O-1885 (21) An Ordinance by **Councilmember Ivory L. Young, Jr.** to rename Delbridge Street, NW from Sunset Avenue, NW to Walnut Street, NW to Dorothy Bolden Way; and for other purposes. (Public Hearing held 11/10/09)  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

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-1893 (22) An **Amended** Ordinance by **City Utilities Committee** authorizing the Mayor to enter into Amendment Agreement No. 1 with Clayton County Water Authority for the Water Pollution Control Service Agreement for the South River Water Pollution Control Plant Facilities and Transmission System to extend the terms for a period of four (4) months for the purposes of transferring sewage flows from the City of Atlanta Sewer System to the Clayton County Water Authority; to amend the FY 2009 Budget by transferring to and from appropriations the amount \$2,107,434.00; to authorize and direct the Chief Financial Officer to pay the Clayton County Water Authority for reimbursement of undepreciated capital costs incurred by the Clayton County Water Authority in an amount not to exceed \$2,107,434.00; all to be charged to and paid from Fund, Department Organization and Account Number listed; and for other purposes.

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

09-O-1907 (23) An Ordinance by **Councilmembers Carla Smith and Kwanza Hall** to authorize the Department of Watershed Management to recognize a Storm Water Master Plan for Atlanta-Fulton County Zoo, Inc. to manage the flow of storm water within the Zoo Leasehold; and to authorize all projects to be reviewed under existing storm water regulations until completion of the entire Master Plan; and for other purposes.

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

**RESOLUTIONS**

**COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**JIM MADDOX, CHAIR**

09-R-1952 ( 1) A Resolution by **Community Development/Human Resources Committee** authorizing the Mayor or her designee to enter into a Contractual Agreement with the ASTRA Group, Inc., for FC-4832, Chastain New Tennis Center & Tennis Court Improvements on behalf of the City of Atlanta, in an amount not to exceed \$1,050,000.00; all funds will be charged to and paid from the Account Segment/PTAEO/GL Numbers Identified in this Resolution; and for other purposes.

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

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-1903 ( 2) A Resolution by **Councilmember Jim Maddox** authorizing a Contractual Agreement with the 24/7 Gateway, LLC for the implementation of HPR-08-18, Project Connect at Gateway in an amount not to exceed \$99,115.54; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**

09-R-2031 ( 3) A Resolution by **Community Development/Human Resources Committee** authorizing the Piedmont Park Conservancy to submit a grant application to the Georgia Recreational Trails Program seeking grant funding for the Piedmont Commons Trail Head Project in Piedmont Park; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**CLETA WINSLOW, CHAIR**

09-R-1954 ( 4) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Rox-Ann T. King v. The City of Atlanta, Civil Action File No. 2008EV158111, in the amount of \$72,500.00; authorizing said payment to be charged to and paid from Fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections), 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**

Council President Lisa M. Borders Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**TRANSPORTATION COMMITTEE**

**CLAIR MULLER, CHAIR**

09-R-1869 ( 5) A **Substitute** Resolution by **Transportation Committee** authorizing the Mayor or her designee to execute an Amendment No. 18 to the Central Passenger Terminal Complex Agreement and Lease with Delta Air Lines, Inc. covering the addition of a Baggage Tunnel between the Main Terminal and Concourse B, various spaces in the Main Terminal Building, a space on Concourse E and the Pedestrian Tunnel between Concourse B and Concourse C; the permanent surrender to the City of Atlanta of various exclusive leased premises which are located in the Main Terminal Building and on Concourses "B" and "E" at Hartsfield-Jackson Atlanta International Airport; reimbursement to Delta of up to \$3,561,022.00 to pay for the cost of constructing approximately 3,693 square feet of space in the Main Terminal Building; the reimbursement to Delta of up to \$7,000,000.00 to cover the costs of electrical improvements at the Airport made necessary by Delta's New Baggage Handling System; the reimbursement to Delta of up to \$350,000.00 to construct an elevator on Concourse D; all services will be charged to and paid from various accounts herein; and for other purposes.

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

09-R-2000 ( 6) A Resolution by **Transportation Committee** authorizing the Mayor to enter into a Right-of-Way Mowing and Maintenance Agreement with the Georgia Department of Transportation for the Mowing and Maintenance of the Consolidated Rental Car Facility Emergency Access Road 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-2001 ( 7) A Resolution by **Transportation Committee** authorizing the Mayor to execute Contract No. FC-4974, Security Access Control System Operations and Maintenance at Hartsfield-Jackson Atlanta International Airport with M. C. Dean, Inc. in an amount not to exceed \$1,587,810.00. That all contracted work will be charged to and paid from 5501 (Airport Revenue Fund) 180313 (DOA Aviation Security) 5213001 (Consulting/Professional Serv) 7563000 (Airport) 000000 (Default) 00000 (Default) 0000 (Default) 00000000 (Default) 0000000 (Default); and for other purposes.

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

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-2002 ( 8) A Resolution by **Transportation Committee** authorizing the Mayor to execute an Amendment No. 14 to the Central Passenger Terminal Complex Lease Agreement with United Airlines, Inc. covering the permanent surrender to the City of Atlanta of a portion of its exclusive leased premises located on Concourse T 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-2004 ( 9) A Resolution by **Transportation Committee** authorizing the Aviation General Manager or his designee to issue Task Orders under Contract No. FC-3007000037-B, Small Business Managing General Contractor Services with Biosphere International, Inc., in the total amount of \$1,750,000.00 to provide Environmental Abatement Services for the Department of Aviation. All services will be charged to and paid from PTAE0: 18100033 (AIP 01) 153 (Task) 550231297 (DOA R N E AZ67) 5411001 (Land) and FDOA: 5502 (Airport Renewal and Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5411001 (Land) 7563000 (Airport) 100033 (AIP 01) 31297 (DOA R N E AZ67) 0000 (Default) 00000000 (Default) 00000000 (Default); and for other purposes.

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

09-R-2005 (10) A Resolution by **Transportation Committee** authorizing the Aviation General Manager to issue Task Orders for FC-3007000038-B, Managing General Contractor with Bryson & Associates, a Joint Venture, in the total amount of \$1,500,000.00 to provide Demolition Services for the Department of Aviation. All services will be charged to and paid from PTAE0: 18100033 (AIP 01) 153 (Task) 550231297 (DOA R N E AZ67) 5411001 (Land) and FDOA: 5502 (Airport Renewal and Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5411001 (Land) 7563000 (Airport) 100033 (AIP 01) 31297 (DOA R N E AZ67) 0000 (Default) 00000000 (Default) 00000000 (Default); and for other purposes.

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

Council President Lisa M. Borders Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE**

**HOWARD SHOOK, CHAIR**

- 09-R-1905 (11) A Resolution by **Councilmember Jim Maddox as Amended by Finance/Executive Committee** authorizing the Mayor, on behalf of the Atlanta City Council, to utilize the State of Georgia DOAS Contract #SWC90814 for the purchase of 55 Desktop Computers from Dell Marketing, LP for the City Council of Atlanta, Georgia; in an amount not to exceed \$68,395.00. The equipment purchase will be charged to and paid from Fund 1001 (General Fund), Department 200101 (NDP Reservation of Funds), 5790001 (Contingency Fund Unrestricted), 1512000 (Accounting); and for other purposes.  
**ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-R-1934 (12) A Resolution by **Councilmember Kwanza Hall** authorizing the Mayor to apply for and accept a Gateway Grant. Upon award of the grant, the City of Atlanta shall enter into a Mowing and Maintenance Agreement with the Georgia Department of Transportation.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-R-1936 (13) A Resolution by **Councilmember Anne Fauver** authorizing the Midtown Improvement District to apply for and accept a Gateway Grant; upon award of the grant, the City of Atlanta shall enter into a Mowing and Maintenance Agreement with the Georgia Department of Transportation; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-R-2012 (14) A Resolution by **Finance/Executive Committee** rescinding 09-R-1704 to change the Service Delivery Strategy (SDS) date between the City of Atlanta and DeKalb County from October 31, 2010 to January 31, 2010; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

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-2015 (15) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute Amendment Agreement Number 2 with Honeywell, Inc., for FC-4714, City wide HVAC Services on behalf of the Executive Offices-Office of Enterprise Assets Management and the Department of Parks, Recreation and Cultural Affairs to add the Site and Funding for the Lakewood Fair Grounds in an amount not to exceed \$525,000.00; all contracted work shall be charged to and paid from 1001 (General Fund), Department 040403 (Exe Heating & Air Maintenance), Account 5222001 (Repair & Maintenance Buildings), 1565000 Function Activity (Gen Gov-Bldgs/ & Plants) - \$300,000.00 1001 (General Fund), Department 140101 (PRC Commissioner of DPRCA) Account 5222001 (Operating Lease/Rental-Bul.) 1320000 Function Activity (Chief Executive) - \$225,000.00; and for other purposes.

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

09-R-2016 (16) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute an Appropriate Agreement for FC-4971 with Resurgens Risk Management/Willis, on behalf of the Department of Finance to provide Insurance Placement Services and Risk Management Consulting Services to the City of Atlanta; in a total amount not to exceed \$810,000.00 of which \$360,000.00 will be paid from Fund, Department Organization, and Account Numbers: 1001 (General Fund) 100303 (DOF Risk Management) 5212001 (Consulting/Professional Services) 1555000 (Risk Management) and \$450,000.00 will be paid from 5502 (Airport Renewal & Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5231001 (Consulting/Professional Services - Technical) 7563000 (Airport).

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

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-2019 (17) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor or her designee to enter into a Cooperative Purchasing Agreement pursuant to the Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, utilizing the State of California's Fast Open Contracts Utilization Services Contract Number 2005081 with AT&T Communication Systems Southeast for Support Services for seven (7) months beginning November 16, 2009 and ending June 30, 2010 on behalf of the Department of Information Technology in an amount not to exceed \$163,688.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050209 (DIT IT Telecommunications) 5220002 (Repair and Maintenance - Equipment) 1535000 (Data Processing/Management Information Systems); and for other purposes.

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

09-R-2020 (18) A Resolution by **Finance/Executive Committee** authorizing the Mayor or her designee to execute Renewal Option Number Two (2) of Contract No. FC-6007000058, Post-Production Support for Enterprise Resource Planning, with Oracle USA, Inc., on behalf of the Department of Information Technology, in an amount not to exceed \$975,000.00; all contracted work to be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050102 (IT Administration) 5410001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information Systems); and for other purposes.

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

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-2029 (19) A Resolution by **Finance/Executive Committee** authorizing the Chief Financial Officer to make payment for the outstanding bill associated with FC-6006007876, American Appraisal Associates for External Consultant Services in an amount of \$98,773.00; payment shall be charged to and paid from Fund Department Organization and Account Numbers: 1001 (General Fund) 200301 (NDP Unallocated Citywide Employee Expense), 521001 (Consulting/Professional Services) 1540000 (Human Resources), \$61,612.67; 5502 ( Airport Renewal and Extension fund) 200301 (NDP Unallocated Citywide Employee Expense), 5212001 (Consulting/Professional Services) 1540000 (Human Resources), \$20,087.76; and 5051 (Water and Wastewater Revenue Fund) 200301 (NDP Unallocated Citywide Employee Expense) 5212001 (Consulting/Professional Services) 1540000 (Human Resources), \$17,072.67.

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

**CITY UTILITIES COMMITTEE**

**CARLA SMITH, CHAIR**

09-R-1909 (20) A Resolution by **Councilmember Kwanza Hall** authorizing the Mayor or her designee to allow the attachment of a plaque at the base of the "No Goal Is Too High If We Climb With Care And Confidence" sculpture archway located on Poplar Street in the Fairlie-Poplar District; and for other purposes.

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

09-R-1925 (21) A Resolution by **Councilmember Ceasar C. Mitchell as Substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No 1 with Tople Construction, Inc., for FC-4943E, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$334,895.86; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

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

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-1926 (22) A Resolution by **Councilmember Ceasar C. Mitchell as Substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 1 with SD& C, Inc., for FC-4943D, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$654,173.78; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

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

09-R-1927 (23) A Resolution by **Councilmember Ceasar C. Mitchell as Substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 2 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 an amount not to exceed \$794,292.92; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

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

09-R-1928 (24) A Resolution by **Councilmember Ceasar C. Mitchell as Substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 1 with Kemi Construction, Inc., for FC-4943B, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$332,247.78; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.

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

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-1929 (25) A Resolution by **Councilmember Ceasar C. Mitchell as Substituted by City Utilities Committee** authorizing the Mayor to execute Amendment Agreement No. 1 with CP Richards Construction, Inc., for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters, on behalf of the Department of Public Works, in an amount not to exceed \$748,689.74; all contracted work to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-R-1942 (26) An **Amended** Resolution by **City Utilities Committee** authorizing the Mayor to enter into an agreement with the Department of Interior for a Water Quality and Water Quantity Long Term Monitoring Network to Maintain and Operate Water Monitoring Equipment, on behalf of the Department of Watershed Management, in an amount not to exceed \$958,422.00; all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number listed; and for other purposes.  
**ADOPTED AS AMENDED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**
- 09-R-1943 (27) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into an appropriate agreement with Excel Electrical/Morgan Constructors JV, for FC-4945, Hemphill WTP Electrical Switchgear Replacement, on behalf of the Department of Watershed Management in amount not to exceed \$4,351,000.00; all services contracted for the said work shall be charged to and paid from the listed Fund, Department Organization and Account Number; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

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-1944 (28) An **Amended** Resolution by **City Utilities Committee** authorizing the Mayor to enter in Renewal Agreement No. 1 with DPS Infrastructure Monitoring Systems, Inc., for FC-3007000053, Annual Contract for Telemetry System Replacement and Upgrades Project, on behalf of the Department of Watershed Management, in an amount not to exceed \$500,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number listed; and for other purposes.

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

09-R-1945 (29) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into Amendment Agreement No. 2 for FC-3007000044, Annual Contract for Pipe Laying with Rockdale Pipeline, Inc./Integral Municipal Services, Inc., JV, to add FY 2010, funding in an amount not to exceed \$13,454,190.62; all contracted work shall be charged to and paid from the listed Fund, Department Organization and Account Number; and PATEO; and for other purposes.

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

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**CLETA WINSLOW, CHAIR**

**Claims with favorable recommendations:**

09-R-1955 ( 1) Claim of **Rashard and Quncellar Jones**, for damages alleged to have been sustained as a result of a sanitary sewer back-up on December 17, 2008 at 3752 Stephanie Drive. **\$9,404.49**

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

09-R-1956 ( 2) Claim of **Shirley Desilva, through her attorney, Steve I. Goldman, Goldman & Associates**, for bodily injuries alleged to have been sustained from an automobile accident on April 3, 2009 at Ralph David Abernathy Boulevard and Whitehall Street.

**\$9,000.00**

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEARS; 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 favorable recommendations: (Cont'd)**

- 09-R-1957 ( 3) Claim of **Corliss Lofton**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on September 16, 2008 at 2603 Old Hapeville Road, SW. **\$8,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1958 ( 4) Claim of **Zira Thomas, through her attorney, Jill L. Cassert**, for damages alleged to have been sustained as a result of an automobile accident on June 9, 2009 at McDaniel Street, SW and Interstate 20 WB exit. **\$5,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1959 ( 5) Claim of **Joculine S. Mott**, for vehicular damages alleged to have been sustained from an automobile accident on June 25, 2009 at Pryor Road, SW and Manford Road, SW. **\$2,014.12**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1960 ( 6) Claim of **Jasper Boykin**, for damages alleged to have been sustained as a result of an automobile accident on June 5, 2009 at 524 North Highland Avenue, NE. **\$1,760.34**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1961 ( 7) Claim of **Portia Lay**, for property damages alleged to have been sustained when a tree died due to a sidewalk installation project in January 2009 at 1368 Woodland Avenue, SE. **\$1,600.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1962 ( 8) Claim of **Paul Haumesser**, for damages alleged to have been sustained as a result of driving over a damaged manhole cover on June 18, 2009 at 833 Memorial Drive. **\$1,055.90**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 14 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 favorable recommendations: (Cont'd)**

09-R-1963 ( 9) Claim of **Rebecca Naylor**, for damages alleged to have been sustained as a result of a trip and fall incident on an unsecured water meter lid on June 20, 2009 at 1131 Euclid Avenue, NE. **\$869.62**

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

09-R-1964 (10) Claim of **Meria Kenney, through her attorney, Albert A. Mitchell**, for damages alleged to have been sustained as a result of a trip and fall incident on a damaged water meter lid on June 9, 2008 at 481 Paines Avenue. **\$675.00**

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

09-R-1965 (11) Claim of **Loetta Lewis and Norman Lewis, Jr.**, for damages alleged to have been sustained as a result of driving over a pothole on April 26, 2009 at 2800 Fairburn Road. **\$583.15**

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

**Claims with unfavorable recommendations:**

09-R-1030 (12) Claim of **Fred McFarlin**, for damages alleged to have been sustained when a door was broken by firemen on February 9, 2009 at 1865 Wellborne Drive, NE.

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

09-R-1966 (13) Claim of **Margaret Laney**, for damages alleged to have been sustained as a result of walking on a private storm water drain on August 16, 2008 at 2424 Piedmont Road.

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

09-R-1967 (14) Claim of **Dr. Elliott Hague**, for damages alleged to have been sustained as a result of the issuance of a traffic citation on August 3, 2008 at 2525 Piedmont Road.

**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-1968 (15) Claim of **Timothy Wells, through his attorney, Anton Rowe**, for damages alleged to have been sustained as a result of being detained by a police officer on October 15, 2007 at 3342 Peachtree Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1969 (16) Claim of **Ahja Posey**, for damages alleged to have been sustained as a result of driving over a pothole on March 27, 2009 at Piedmont Road near 15<sup>th</sup> Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1970 (17) Claim of **Amica Insurance Company, as subrogee of Meschell Perkins**, for damages alleged to have been sustained as a result of a vehicular accident on June 14, 2009 at 395 Piedmont Avenue.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1971 (18) Claim of **Harris Bellows**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on July 24, 2009 at 4325 Northside Drive.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1972 (19) Claim of **State Farm Insurance Companies, as subrogee of Michael Riley**, for damages alleged to have been sustained as a result of an automobile accident on January 14, 2009 at Northside Drive at Interstate 75 NB ramp.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1973 (20) Claim of **Linda Kappel**, for damages alleged to have been sustained as a result of work being performed on a sewer line during June and July 2009 at 4533 Wieuca Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-1974 (21) Claim of **John DePalma**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on June 1, 2009 at 4629 Wieuca Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1975 (22) Claim of **Charles Mutz**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on June 23, 2009 at 4629 Wieuca Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1976 (23) Claim of **Dorothy Ferrell**, for damages alleged to have been sustained as a result of a trip and fall on a damaged street light base on February 19, 2008 at 215 Peachtree Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1977 (24) Claim of **Kala Lyons**, for damages alleged to have been sustained as a result of driving over a pothole on August 18, 2009 at 620 Peachtree Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1978 (25) Claim of **Marla A. Scott**, for damages alleged to have been sustained as a result of a trip and fall incident on a damaged sidewalk on May 31, 2008 at 375 Boulevard, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1979 (26) Claim of **Fulton Cotton Mill Lofts, through its attorney, Martin A. Shelton, Esq., Shulten, Ward & Turner**, for property damages alleged to have been sustained from flooding due to sewer backups on July 29, August 26, September 14, and October 4, 2007 at 170 Boulevard, SE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-1980 (27) Claim of **Fireman's Fund Insurance Company, as subrogee of Fulton Cotton Mill Lofts, through its attorneys, Cozen O'Connor**, for property damages alleged to have been sustained from flooding due to sewer backups on July 29, August 26, September 14, and October 4, 2007 at 170 Boulevard, SE.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1981 (28) Claim of **Estate of Jerome Gay, through its attorney, Courtney Martin**, for damages alleged to have been sustained as a result of an altercation on May 18, 2008 on East Fayetteville Road, Clayton County.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1982 (29) Claim of **Wynne Rollins**, for damages alleged to have been sustained as a result of a water account dispute and property damages sustained due to a water meter leak on August 8, 2008 at 2500 Swallow Circle.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1983 (30) Claim of **Booker T. Willis, Jr.**, for damages alleged to have been sustained as a result of driving over a pothole on April 17, 2009 at 1917 Fair Drive.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1984 (31) Claim of **Michael D. Brown, through his attorney, Michael A. Dominy**, for damages alleged to have been sustained as a result of an arrest on June 18, 2008 at 565 Orchard Court, SE.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1985 (32) Claim of **Troy Harrison**, for damages alleged to have been sustained as a result of striking a pothole on December 28, 2008 at Pharr Road and Peachtree Street.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 14 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-1986 (33) Claim of **Susan Clark, through her attorney, John P. Webb**, for damages alleged to have been sustained as a result of a trip and fall incident on a damaged sidewalk on February 20, 2009 at Peachtree Road and Lenox Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1987 (34) Claim of **Hassan Ali Dashtpeyma**, for damages alleged to have been sustained as a result of a Bureau of Taxicabs and Vehicles for Hire hearing on May 7, 2009.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1988 (35) Claim of **Martha Davis**, for damages alleged to have been sustained as a result of driving over a raised manhole on March 1, 2009 at 3607 Oakshire Way.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1989 (36) Claim of **Darius Williams**, for damages allegedly sustained as a result of driving over an unsecured construction cut on September 13, 2008 at 10<sup>th</sup> Street and Argonne Avenue.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1990 (37) Claim of **Leonardo Welf**, for damages allegedly sustained as a result of the installation of a water meter during December 2007 at 729 Lambert Drive.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1991 (38) Claim of **Susan Lippert**, for damages alleged to have been sustained as a result of striking a utility pole in the roadway on August 19, 2009 at 240 Ponce de Leon Avenue.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1992 (39) Claim of **Le Lan**, for damages alleged to have been sustained as a result of striking a metal plate on August 28, 2009 at 420 McDonough Boulevard.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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-1993 (40) Claim of **Michael A. Fannin**, for vehicular damages alleged to have been sustained during the operation of a leaf blower by a city employee on July 28, 2009 at 1111 Oak Street, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1994 (41) Claim of **Sierra Place, through its attorney, William R. Joiner**, for damages alleged to have been sustained as a result of a water service account dispute between October 2007 through August 2008 at 66 Northwood Drive, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1995 (42) Claim of **Lori Hardy**, for damages alleged to have been sustained during the arrest of a subject on July 30, 2009 at Cleveland Avenue and Beeler Drive, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1996 (43) Claim of **Demetrius Graves**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on January 2, 2008 at Juniper Street and 10<sup>th</sup> Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1997 (44) Claim of **Koleman Garland**, for damages alleged to have been sustained as a result of driving over damaged railroad tracks on August 15, 2009 at Stone Mountain Lithonia Road, Stone Mountain.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 YEAS;**  
**0 NAYS**
- 09-R-1998 (45) Claim of **USAA Insurance Company, as subrogee of Marie Rebecca-Marjorie Lechner**, for damages alleged to have been sustained as a result of an automobile accident on January 11, 2009 at Cloverdale Drive and Flat Shoals Avenue.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 14 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 13 as follows) were Referred to the appropriate committees as a collective vote.**

09-O-1947 ( 1)      An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor, on behalf of the City, to enter into an agreement with the High-Manor Sports Foundation, Inc. whereby the Foundation will donate to the City \$3,550.72 per month in exchange for the City's continuing to provide programming at, maintain and operate the Central Park Recreation Center; and authorizing the City's acceptance of this donation; and authorizing the Mayor or her designee, on behalf of the City, to create an account into which funds donated by the foundation shall be deposited, and from which the funds shall be expended for the sole purpose of payment of the expenses for the Central Park Recreation Centers' staff and operating and maintenance costs; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

09-O-1948 ( 2)      An Ordinance by **Community Development/Human Resources Committee** authorizing the Mayor, on behalf of the City of Atlanta, to execute a first amendment to the 2007 Governmental Agreement regarding the Atlanta Zoo to increase the Leasehold for the purpose of expanding Zoo Operations; and authorizing the Mayor, on behalf of the City of Atlanta, to enter into a Memorandum of Understanding with Atlanta-Fulton County Zoo, Inc. to set forth the terms of expanding the Leasehold; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

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-1949 ( 3) An Ordinance by **Community Development/Human**  
CDP-09-33 **Resource Committee** to amend the Land Use Element of the City  
of Atlanta's 2008 Comprehensive Development Plan (CDP) so as to  
re-designate properties located in the Atlanta BeltLine Subarea 6 –  
Northeast/Piedmont/Monroe from Various Land Use Designations  
to Various Land Use Designations; and for other purposes.

NPU's – E & F

Council District 6

**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN  
RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11  
YEAS; 0 NAYS**

09-O-1950 ( 4) An Ordinance by **Community Development/Human Resources**  
**Committee** to adopt the Project Greenspace Technical Report as  
the Greenspace Plan for the City of Atlanta; to incorporate into the  
City of Atlanta's Comprehensive Development Plan; and for other  
purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN  
RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11  
YEAS; 0 NAYS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**CLETA WINSLOW, CHAIR**

09-O-1999 ( 5) An 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 \$2,308,119.00 for grant funds from  
the White House Office of National Drug Control Policy ("White  
House") for the continuation of the High Intensity Drug Trafficking  
Area ("HIDTA") Task Force and continued disruption of Drug  
Trafficking Organizations; and for other purposes.

**REFERRED TO PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 11  
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-2006 ( 6)      An Ordinance by **Finance/Executive Committee** authorizing the Mayor and the Chief Financial Officer to supervise the expenditure of funds for subsequent transfers and assure the close out of Fiscal Year 2009; and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 09-O-2007 ( 7)      An Ordinance by **Finance/Executive Committee** to amend the FY 2010 Airport Renewal and Extension Fund (5502) Budget by transferring to and from appropriations the amount of \$50,000,000.00, to establish an Operating and Maintenance Reserve Account in the amount of one quarter (¼) of the Budgeted Operating Expenses for Fiscal Year 2010; and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 09-O-2008 ( 8)      An Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer or his designee to establish a Showmobile Operator Trust Account Fund, on behalf of the Department of Parks, Recreation and Cultural Affairs, for the purpose of accepting receipts from the Department's Showmobile Rentals; and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 09-O-2009 ( 9)      An Ordinance by **Finance/Executive Committee** to waive Chapter 2, Article X, Section 2-1206 of the Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances in order to authorize the Chief Procurement Officer to extend the terms of the Contract FC-4844, Special Procurement for Financial Consultant, Mr. Ian Cooper, between the City of Atlanta and CFO Catalyst LLC, formerly d/b/a Ian Cooper for a period of five months with a termination date of July 31, 2010 in an amount up to \$97,000.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 100101 (DOF Chief Financial Officer) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive).  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 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 (CONT'D)**  
**HOWARD SHOOK, CHAIR**

- 09-O-2017 (10) 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 the Cisco Smartnet Hardware Maintenance and Support Services from August 1, 2009 to November 15, 2009 and, utilize Georgia Technology Authority Contract Number S000546-043 to purchase Cisco Smartnet Maintenance and Support Services from Cisco Systems for eleven (11) months in an amount not to exceed \$148,036.21; all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services – Capital) 1535000 (Data Processing/Management Information Systems); and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 09-O-2018 (11) An Ordinance by **Finance/Executive Committee** authorizing the Mayor or her designee to waive the Payment Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior provisions of Support Services by International Business Machines Corporation since July 1, 2009 for Hardware and Software Maintenance and Support, on behalf of the Department of Information Technology in an amount not to exceed \$151,174.07; all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050212 (IT Server Management) 5222002 (Repair & Maintenance–Equipment) 1535000 (Data Processing/Management Information Systems); and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 09-O-2030 (12) An Ordinance by **Finance/Executive Committee** authorizing, among other things, the issuance and sale of City of Atlanta (Georgia) General Fund Tax anticipation notes in the principal amount of \$80,000,000.00; and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

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-1941 (13) An Ordinance by **City Utilities Committee** to amend the 2010 (Water and Wastewater Renewal and Extension Fund) (5052) Budget, in the amount of \$10,000,000.00 by anticipating and appropriating insurance proceeds and future proceeds from Federal Emergency Management Agency (FEMA) and/or Georgia Emergency Management Agency (GEMA) to partially finance repairs to the R. M. Clayton Water Treatment Plant due to 2009 flood related damage; and for other purposes.

**REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

# COMMITTEE REPORTS

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS**

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

Attendance at the November 10, 2009 meeting of the Community Development/Human Resources Committee was as follows:

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

Absent: Councilmembers Sheperd and Willis

**ITEM REMOVED FROM CONSENT AGENDA**

09-O-0130 ( 1)  
CDP-09-17

An **Amended** Ordinance by **Community Development/Human Resources Committee** to amend the 2008 City of Atlanta Strategic Action Plan by adopting “Atlanta BeltLine Master Plan Sub-Area 7: Northside/Peachtree/Piedmont”; and for other purposes. (CDP Public Hearing held 3/09/09)

**The above item was removed from the Consent Agenda by request of Councilmember Muller. Municipal Clerk Rhonda Dauphin Johnson sounded the caption to Ordinance 09-O-0130 on behalf of Chairperson Maddox. Councilmember Muller was then recognized and offered Amendment #1/#1 “to amend the ordinance by amending the language of the committee amendment made on November 10, 2009; on page 8 to add the words bicycle-pedestrian connection.” Councilmember Muller explained her amendment and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. Following, Chairperson Maddox made a Motion to Adopt as Amended. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

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

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

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

Attendance at the November 10, 2009 meeting of the Public Safety and Legal Administration Committee was as follows:

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

Absent: Councilmembers Sheperd and Willis

**RESOLUTION**

09-R-0621 ( 1) Claim of **Tremayne McReynolds**, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE.  
**FILED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

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

**Due to the Veteran's Day Holiday, the Transportation Committee was rescheduled to meet on Monday November 09, 2009 at 3:00 p.m.**

Attendance at the November 09, 2009 meeting of the Transportation Committee was as follows:

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

Absent: None

**RESOLUTION**

09-R-1809 ( 1) A Resolution by **Councilmembers Clair Muller and C. T. Martin as Substituted by Transportations Committee** authorizing the Mayor to execute an Agreement to amend Central Passenger Terminal Complex Lease Agreements (CPTC Leases), Airport Use Agreements with Delta Air Lines, Inc. (Delta) and Northwest Airlines, Inc. (Northwest); and for other purposes.

**Chairperson Muller sounded the caption to Resolution 09-R-1809 and made a Motion to Adopt. It was Seconded by Councilmember Moore and a discussion ensued, during which, Councilmember Moore was recognized and offered Amendment #1/#1 to add an additional Be It Finally Resolve Clause. The Amendment to read as follows: Be It Further Resolved, that the Aviation General Manager shall provide the Transportation Committee with a copy of any response from the Federal Aviation Administration (FAA) concerning its review of the Airport's Competition Plan updated and final executed agreement." It was properly Seconded and after a brief discussion, CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. Councilmember Moore then offered Amendment #2/#2 to add an additional Be It Further Resolve Clause to read as follows: "that in year five (5) of the CPTC Lease Extension, the City Council encourages the Administration to negotiate a new lease agreement that reflects:**

- **The economic and industry environment at the time**
- **The optimum opportunity for competitiveness that results in better customer services; in turn resulting in lower fees and fares for enplanements commencing at the Airport**
- **Allowance for maximum capacity of financial resources to ensure the credit worthiness of the Airport (including the capacity to maintain capital projects)**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**TRANSPORTATION COMMITTEE (2)**  
**CLAIR MULLER, CHAIR**

**RESOLUTION (CONT'D)**

09-R-1809 ( 1)  
(Cont'd)

A Resolution by **Councilmembers Clair Muller and C. T. Martin as Substituted by Transportations Committee** authorizing the Mayor to execute an Agreement to amend Central Passenger Terminal Complex Lease Agreements (CPTC Leases), Airport Use Agreements with Delta Air Lines, Inc. (Delta) and Northwest Airlines, Inc. (Northwest); and for other purposes.

- **Consideration of the FAA's recommendation to eliminate the Majority In Interest Provisions evidenced in the current CPTC Lease Agreement"**

**It was properly Seconded and a discussion ensued. After which, Moore Amendment #2/#2 CARRIED by a unanimous roll call vote of 15 yeas; 0 nays. Thereafter, Chairperson Muller made a Motion to Adopt as Amended. Subsequently, the Motion CARRIED by a unanimous roll call vote of 15 yeas; 0 nays.**

**ADOPTED SUBSTITUTE AS AMENDED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS**

Acting Council President Pro Tempore Felicia A. Moore Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (1)**

**NATALYN M. ARCHIBONG, VICE-CHAIR**

**Due to the Veteran’s Day Holiday, the Zoning Committee was rescheduled to meet on Monday November 09, 2009 at 9:30 a.m.**

Attendance at the November 09, 2009 meeting of the Zoning Committee was as follows:

Present: Councilmembers Archibong (Vice-Chair), Smith, Norwood, Martin and Fauver

Absent: Councilmembers Young and Shook

**ORDINANCE FOR SECOND READING**

09-O-1889 ( 1) An Ordinance by **Zoning Committee** to amend Ordinance U-  
U-74-27 74-27 as adopted by the City Council on December 9, 1974 and approved by the Mayor on December 16, 1974 for the purposes of approving a Transfer of Ownership for a Special Use Permit for a Day Care Center for property located at **1635 Campbellton Road, SW**; and for other purposes.  
**ADOPTED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

**ORDINANCES FOR FIRST READING**

**All items For First Reading (1 through 8 as follows) were Referred to the Zoning Review Board and Zoning Committee as a collective vote.**

09-O-2021 ( 1) An Ordinance by **Zoning Committee** to rezone property from  
Z-09-37 the RG-2 (Residential General-Sector 2) District, to the R-LC (Residential-Limited Commercial) District, for property located at **4591 Wieuca Road, NE**, fronting approximately 70 feet on the northeasterly side of Wieuca Road, beginning 506 feet easterly and southeasterly from the southeast corner of a 15 foot alley.

Depth: Varies  
Area: 0.40 Acre  
Land Lot: 95, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Tom Hicks  
Applicant: Tom Hicks  
NPU-B Council District 7

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

Acting Council President Pro Tempore Felicia A. Moore Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (2)**

**NATALYN M. ARCHIBONG, VICE-CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

09-O-2022 ( 2)  
Z-09-38

An Ordinance by **Zoning Committee** to rezone property from the C-1-C (Community Business-Conditional) District, to the C-1-C (Community Business-Conditional) District, for the purpose of a change of conditions, property located at **2815-2839 Peachtree Road, NE**. The property fronts 275 feet on the southeasterly side o Peachtree Road beginning 99.92 feet from the northwest corner of Rumson Road.

Depth: Varies  
Area: 1.24 Acres  
Land Lot: 100, 17<sup>th</sup> District, Fulton County, Georgia  
Owner: Gardenbrand, LLC  
Applicant: Gardenbrand, LLC  
NPU-B Council District 7

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

09-O-2023 ( 3)  
Z-09-39

An Ordinance by **Zoning Committee** to rezone property from the R-4A (Single Family Residential) and the C-1-C (Community Business-Conditional) Districts, to the C-1 (Community Business) District, property located at **178 McDonough Boulevard, SE**, fronting approximately 54 feet on the north side of McDonough Boulevard, beginning 122 feet from the northwest corner of Lakewood.

Depth: Approximately 199 Feet  
Area: 0.624 Acre  
Land Lot: 56, 14<sup>h</sup> District, Fulton County, Georgia  
Owner: PRITHVI, Inc.  
Applicant: Robert W. Hoffman  
NPU-B Council District 7

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

Acting Council President Pro Tempore Felicia A. Moore Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (3)**

**NATALYN M. ARCHIBONG, VICE-CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

09-O-2024 ( 4)  
Z-09-44

An Ordinance by **Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to create a new Chapter 37 entitled Voluntary Incentive Multi-Family Residential Regulations, concerning the creation of optional and parallel development code requirements for Multi-Family Residential Developments for the purpose of public benefits including the provision of affordable workforce housing; to define certain terms; to provide for related requirements and procedures; and for other purposes.

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

09-O-2025 ( 5)  
U-09-21

An Ordinance by **Zoning Committee** granting a Special Use Permit for a Church pursuant to Section 16-06.005 (1) (c) for property located at **1280 Benteen Way, SE**, fronting approximately 269 feet on the north side of Benteen Way and approximately 410 feet on the east side of Boulevard.

Depth: Varies  
Area: Approximately 2.0 Acres  
Land Lot: 24, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Abundant Life Center  
Applicant: James McDougald  
NPU-W Council District 1

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

09-O-2026 ( 6)  
U-09-22

An Ordinance by **Zoning Committee** granting a Special Use Permit for a Day Care Center pursuant to Section 16-08.005 (1) (b) for property located at **3751 Martin Luther King, Jr Drive, SW**, fronting approximately 165 feet on the southeasterly side of Martin Luther King, Jr. Drive at the northeastern intersection of Martin Luther King, Jr. Drive and Bolton Road.

Depth Varies  
Area: Approximately 5.8 Acres  
Land Lot: 15, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Charitable Connections, Inc.  
Applicant: Charitable Connections, Inc./Michelle R. Uchiyema  
NPU-T Council District 4

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

Acting Council President Pro Tempore Felicia A. Moore Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (4)**

**NATALYN M. ARCHIBONG, VICE-CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

09-O-2027 ( 7)  
U-09-23

An Ordinance by **Zoning Committee** granting a Special Use Permit for a Personal Care Home pursuant to Section 16-06.005 (1) (g) for property located at **1041 Lawton Avenue, SW**, fronting approximately 100 feet on the northeasterly side of Lawton Avenue and approximately 447 feet east of the intersection of Lawton Avenue and Peoples Street.

Depth: Approximately 180 Feet  
Area: 0.41 Acre  
Land Lot: 119, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Nathan M. Jideama  
Applicant: Nathan M. Jideama  
NPU-S Council District 4

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

09-O-2028 ( 8)  
U-09-24

An Ordinance by **Zoning Committee** granting a Special Use Permit for a Day Care Center pursuant to Section 16-06.005 (1)(b) for property located at **779 Atwood Street, SW**, fronting approximately 120 feet on the west side of Atwood Street, approximately 67 feet southwest of the intersection of Atwood Street and Donnelly Avenue.

Depth: Varies  
Area: Approximately 0.366 Acre  
Land Lot: 139, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Pan African Orthodox Christian Church  
Applicant: Terrence Raye  
NPU-T Council District 4

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

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (1)**

**HOWARD SHOOK, CHAIR**

**Due to the Veteran's Day Holiday, the Finance/Executive Committee was rescheduled to meet on Monday November 09, 2009 at 10:00 a.m.**

Attendance at the November 09, 2009 meeting of the Finance/Executive Committee was as follows:

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

Absent: None

**ORDINANCES FOR SECOND READING**

**The following items (09-O-0911 and 09-O-1804) were taken as a collective vote.**

Council President Pro Tempore Natalyn Archibong Presided

09-O-0911 ( 1) A **Substitute** Ordinance by **Finance/Executive Committee** authorizing the Mayor or her designee, on behalf of the City, to anticipate and appropriate funds donated by Legends to the City of Atlanta's Office of Recreation; and for other purposes.  
**FILED SUBSTITUTE BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS**

09-O-1378 ( 2) An Ordinance by **Councilmembers Howard Shook and Clair Muller** for the Series 2009B/C/D/E Supplemental Bond Ordinance Supplementing and Amending that certain Fourteenth Supplemental Bond Ordinance of the City of Atlanta Adopted on July 6, 2009, to, among other things, set forth the terms of (1) the Airport General Revenue Bonds, Series 2009B and Series 2009C (The "Series 2009B/C Bonds") and (2) the Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds, Series 2009D and Series 2009E (The "Series 2009D/E Bonds", together with the Series 2009B/C Bonds, the "Series 2009B/C/D/E Bonds") within certain parameters previously established by the City including the Original Aggregate Principal Amount, Interest Rates, Maturity Amounts, Maturity Dates, Redemption Provisions and Debt Service Reserve Requirement with respect thereto; ratify certain prior actions of the City Council and certain officers and agents of the City with respect to the issuance and sale of the Series 2009B/C/D/E Bonds; designate the Underwriters and Bond Counsel with respect to said Series 2009B/C/D/E Bonds; approve the form and authorizing the execution of a Bond Purchase Agreement and certain other Agreements in connection with said Series 2009B/C/D/E Bonds; authorize and approve the preparation, use and distribution of a

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-1378 ( 2)  
(Cont'd) Final Official Statement in connection with the offer and sale of said Series 2009B/C/D/E Bonds; [set forth the terms and covenants associated with a Municipal Bond Insurance Policy related to said Series 2009B/C/D/E Bonds]; provide an effective date; and for other related purposes.

**Chairperson Shook sounded the caption to Ordinance 09-O-1378 and stated the committee forwarded with No Recommendation. Mr. Shook then made a Motion to Table the ordinance for a Special Called Meeting to be held December 02, 2009. It was Seconded by Councilmember Maddox and the Motion CARRIED by a roll call vote of 12 yeas; 1 nay.**

**TABLED BY A ROLL CALL VOTE OF 12 YEAS; 1 NAY**

09-O-1379 ( 3) An Ordinance by **Councilmembers Howard Shook and Clair Muller** for the Series 2009A Supplemental Bond Ordinance Supplementing and Amending that certain Thirteenth Supplemental Bond Ordinance of the City of Atlanta Adopted on July 6, 2009, to, among other things, set forth the terms of the Airport General Revenue Bonds, Series 2009A, including the Aggregate Principal Amount, Interest Rates, Maturity Amounts, Maturity Dates, Redemption Provisions and Debt Service Reserve Requirement with respect thereto; ratify certain prior actions of the City Council and certain officers and agents of the City with respect to the issuance and sale of the Series 2009A Bonds; designate the Underwriters and Bond Counsel with respect to said Series 2009A Bonds; approve the form and authorizing the execution of a Bond Purchase Agreement and certain other Agreements in connection with said Series 2009A Bonds; authorize and approve the preparation, use and distribution of a Final Official Statement in connection with the offer and sale of said Series 2009A Bonds; [set forth the terms and covenants associated with a Municipal Bond Insurance Policy related to said Series 2009A Bonds]; provide an effective date; and for other related purposes.

**Chairperson Shook sounded the caption to Ordinance 09-O-1379 and stated the committee forwarded with No Recommendation. Mr. Shook then made a Motion to Table the ordinance for a Special Called Meeting to be held December 02, 2009. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 1 nay.**

**TABLED BY A ROLL CALL VOTE OF 12 YEAS; 1 NAY**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (3)**  
**HOWARD SHOOK, CHAIR**

**ORDINANCES FOR SECOND READING (CONT'D)**

Council President Pro Tempore Natalyn Archibong Presided

09-O-1804 ( 4) 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.  
**FILED BY A UNANIMOUS ROLL CALL VOTE OF 15 YEAS; 0 NAYS**

09-O-1897 ( 5) An Ordinance by **Finance/Executive Committee** to amending the FY 2010 (\_\_\_\_\_) Budget by adding to anticipations and appropriations in the amount of \_\_\_\_\_ for insurance proceeds received for damage to City-owned property caused by flooding which occurred as a result of heavy rainfall beginning September 18, 2009; and for other purposes.

**Chairperson Shook sounded the caption to 09-O-1897 and stated the committee recommendation was Favorable on Condition (receive substitute). Mr. Shook then made a Motion to bring forth the Substitute. It was Seconded by Councilmember Maddox and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before Council. Chairperson Shook sounded the Substitute and made a Motion to Adopt on Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

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

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (4)**  
**HOWARD SHOOK, CHAIR**

**ORDINANCES FOR SECOND READING (CONT'D)**

09-O-1906 ( 6)      An Ordinance by **Councilmember Jim Maddox** transferring funds from the District 11 Councilmember Carry Forward Account to existing City of Atlanta Department of Parks, Recreation and Cultural Affairs and Department of Public Works Fund Accounts to fund operations and projects; and for other purposes.

**Chairperson Shook sounded the caption to Ordinance 09-O-1906 and stated the committee recommendation was Favorable on Condition (receive substitute). Mr. Shook then made a Motion to bring forth the Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before Council. Subsequently, Chairperson Shook made a Motion to Adopt on Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

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

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (5)**  
**HOWARD SHOOK, CHAIR**

**ORDINANCES FOR SECOND READING (CONT'D)**

**The following ordinances (09-O-1918 and 09-O-1919) were taken as a collective vote.**

09-O-1918 ( 7)      An Ordinance by **Councilmember Howard Shook** to authorize (1) the purchase in lieu of redemption of City of Atlanta Tax Allocation Bonds (BeltLine Project), Series 2008A/B/C Bonds (the "Series 2008 Bonds") in the Outstanding Aggregate Principal Amount of \$64,500,000.00 which have been tendered for purchase by their holders, (2) the execution and delivery of an Amended and Restated First Supplemental Indenture of Trust in order to establish, among other things, a Fixed Rate Mode and a Debt Service Reserve Fund (3) ratification of the preparation, use and distribution of a [Preliminary Official Statement] [Limited Offering Memorandum] in connection with the reoffering of Series 2008 Bonds (4) paying expenses incident to accomplishing all of the forgoing, (5) certain other related actions, all in connection with the Reoffering of the foregoing described Series 2008 Bonds; and for other purposes.

**Chairperson Shook sounded the caption to Ordinances 09-O-1918 and 09-O-1919 and stated the committee forwarded both ordinances with No Recommendation. Mr. Shook then made a Motion to Table the two items for a Special Called Meeting to be held December 02, 2009. The Motion then CARRIED by a roll call vote of 13 yeas; 1 nay.**

**TABLED BY A ROLL CALL VOTE OF 13 YEAS; 1 NAY**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (6)**  
**HOWARD SHOOK, CHAIR**

**ORDINANCES FOR SECOND READING (CONT'D)**

09-O-1919 ( 8) An Ordinance by **Councilmember Howard Shook** to authorize (1) the issuance and sale of \$\_\_\_\_\_City of Atlanta Tax Allocation Bonds (BeltLine Project), Series 2009A (the "Series 2009A Bonds"), \$\_\_\_\_\_City of Atlanta Tax Allocation Bonds (BeltLine Project), Series 2009B (the "Series 2009B Bonds") and \$\_\_\_\_\_City of Atlanta Tax Allocation Bonds (BeltLine Project), Series 2009C (the "Series 2009C Bonds", and together with the Series 2009A Bonds and the Series 2009B Bonds, "the Series 2009 Bonds") in order to provide funds to be applied towards (A) refinancing the City's previously issued Tax Allocation Bonds (BeltLine Project) Series 2008A/B/C Bonds (the "Series 2008 Bonds") outstanding in the Aggregate Principal amount of \$64,500,000.00, (B) establishing certain accounts in respect of the Series 2008 Bonds and the Series 2009 Bonds, including a Debt Service Reserve Account, Capitalized Interest Account and Costs of Issuance Account (B) to pay other related expenses, including the costs of issuing the Series 2009 Bonds; (2) the execution of a Second Supplemental Indenture of Trust providing for the issuance of the Series 2009 Bonds; (3) the preparation, use and distribution of a [Preliminary Official Statement] [Limited Offering Memorandum] in connection with the issuance and sale of the Series 2009 Bonds; (4) the execution and delivery of a purchase contract; (5) certain related actions all in connection with the issuance of the Series 2009 Bonds; and for other purposes.

**Chairperson Shook sounded the caption to Ordinances 09-O-1918 and 09-O-1919 and stated the committee forwarded both ordinances with No Recommendation. Mr. Shook then made a Motion to Table the two items for a Special Called Meeting to be held December 02, 2009. The Motion then CARRIED by a roll call vote of 13 yeas; 1 nay.**

**TABLED BY A ROLL CALL VOTE OF 13 YEAS; 1 NAY**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (7)**  
**HOWARD SHOOK, CHAIR**

**ORDINANCES FOR SECOND READING (CONT'D)**

09-O-1922 ( 9)      An Ordinance by **Councilmember Felicia A. Moore** to amend the Charter of the City of Atlanta 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 Part 1, Subpart A, Article VI, Chapter 3, Section 6-304 of the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, p. 4469, et seq.) approved April 15, 1996, as amended, by amending Article VI, Chapter 3, Section 6-304 so as to add a Subsection D Regarding Non Budgeted Programs and Expenditures; to repeal conflicting ordinances; and for other purposes. **(2<sup>nd</sup> Reading/1<sup>st</sup> Adoption)**  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS FOR 3<sup>RD</sup> READING/FINAL ADOPTION**

09-O-1930 (10)      An Ordinance by **Councilmember Anne Fauver** transferring funds from the District 6 Councilmember Expense Account to existing City of Atlanta Department of Parks, Recreation and Cultural Affairs accounts to assist in funding the purchase of equipment destroyed in the September 2009 Flood; and for other purposes.

**Chairperson Shook sounded the caption to Ordinance 09-O-1930 and stated the committee recommendation was Favorable on Condition (receive substitute). Mr. Shook then made a Motion to bring forth the Substitute. It was Seconded by Councilmember Maddox and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. The Substitute was before Council. Subsequently, Chairperson Shook 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**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (8)**  
**HOWARD SHOOK, CHAIR**

**RESOLUTIONS**

The following resolutions (09-R-1923 and 09-R-2014) were taken as a collective vote.

09-R-1923 ( 1) A Resolution by **Councilmember Ceasar C. Mitchell** to establish a Trust Fund Account for the transfer of unexpended funds from Councilmember Expense and Fund Carryover Accounts for use by City Departments in the implementation of identified established project(s) or operations; and for other purposes.  
**FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

09-R-2011 ( 2) A **Substitute** Resolution by **Finance/Executive Committee** urging the 2010 Georgia General Assembly to support the City of Atlanta's 2010 Legislative Package; and for other purposes.

**Chairperson Shook sounded the caption to Resolution 09-R-2011 and stated the committee recommendation was Favorable on Substitute on Condition (receive substitute). Mr. Shook then made a Motion to bring forth the Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before Council. Chairperson Shook then made a Motion to Adopt on Substitute. After a brief discussion, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

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

09-R-2014 ( 3) A Resolution by **Finance/Executive Committee** authorizing the Mayor to execute the Second Amendment to the Intergovernmental Agreement by and among the City of Atlanta, the Atlanta Development Authority and the Atlanta Independent School System, dated December 31, 2005 and amended on August 17, 2009, in connection with the BeltLine Tax Allocation District; and for other purposes.  
**FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/EXECUTIVE COMMITTEE (9)**  
**HOWARD SHOOK, CHAIR**

**ITEM REMOVED FROM CONSENT AGENDA**

09-O-1864 ( 1)      An Ordinance by **Finance/Executive Committee** to provide for the Annexation of property located at 1500 Kay Lane to the corporate limits of the City of Atlanta, Georgia pursuant to the 100% Method; 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.

**The above item was removed from the Consent Agenda by request of Councilmember Shook. Mr. Shook sounded the caption to Ordinance 09-O-1864 and made a Motion to Table. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.**

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

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**COMMITTEE ON COUNCIL (1)**  
**FELICIA A. MOORE, CHAIR**

Attendance at the November 16, 2009 meeting of the Committee on Council was as follows:

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

Absent: None

**COMMUNICATION**

09-C-1824 ( 2) 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's appointment of Mr. Maceo C. Williams, Sr. representing NPUs 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. **(Favorable by Public Safety & Legal Administration Committee 10/27/09.) (Held 11/2/09 by the Committee for further review.)**  
**CONFIRMED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

**CHARTER AMENDMENT/THIRD READING/FINAL ADOPTION**

09-O-1887 ( 1) An Ordinance and Charter Amendment by **Councilmember Felicia A. Moore as Substituted by Committee on Council** 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 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. **(3<sup>RD</sup> Reading, Final Adoption)**  
**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**COMMITTEE ON COUNCIL (2)**

**FELICIA A. MOORE, CHAIR**

**CHARTER AMENDMENT/SECOND READING/FIRST ADOPTION**

09-O-1920 ( 1) 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 Section 2-403, Entitled “Submission to Mayor; Mayor’s Veto” 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 provide that if the Mayor vetoes any Ordinance or Resolution adopted at the last Council Meeting in December of a General Election Year, the Council shall call a Special Meeting prior to December 31 of that year, to consider any such vetoed legislation; to repeal conflicting Ordinances and Charter Amendments; and for other purposes. **(2<sup>nd</sup> Reading, 1<sup>st</sup> Adoption)**  
**REFERRED TO COMMITTEE ON COUNCIL BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS FOR 3<sup>RD</sup> READING/FINAL ADOPTION**

**RESOLUTION**

09-R-1932 ( 1) A Resolution by **Councilmembers Natalyn M. Archibong and Felicia A. Moore as Substituted by Committee on Council** requesting the Members of the Atlanta City Council to review the appointments of the Municipal Clerk and the Director of Council Staff; and for other purposes.  
**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

**ORDINANCES FOR FIRST READING**

**The following Ordinances (09-O-2032 and 09-O-2033) were taken as a collective vote.**

09-O-2032 ( 1) An Ordinance by **Committee on Council** to amend Chapter 2 (Administration), Article II (Council), Division 2 (Meetings), Subdivision II (Rules of Procedure) of the Code of Ordinances of the City of Atlanta, Georgia, so as to create a New Section 2-99.1, to be entitled “Motion to Hold in the Breast of Council” which section shall set forth the rules and procedures applicable to said motion; to waive conflicting ordinances; and for other purposes.  
**REFERRED TO COMMITTEE ON COUNCIL BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**COMMITTEE ON COUNCIL (3)**  
**FELICIA A. MOORE, CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

- 09-O-2033 ( 2)      An Ordinance by **Committee on Council** to amend for clarification purposes, Section 2-36 "President of Council" of the Code of Ordinances of the City of Atlanta, Georgia by (1) deleting Subsection (e) and re-designating said Subsection as Section 2-37 "Selection of Council President Pro Tempore;" (2) by deleting Subsections (i) and (j); (3) by re-designating Subsection (h) as Subsection (a) and by re-designating Subsections (a), (b), (c), and (d) as Subsections (1), (2), (3), and (4) respectively, of Subsection (a); (4) to re-designate Subsections (f), (g), and (k), as Subsections (b), (c) and (d) respectively; ( ) to re-designate the existing Section 2-37 "Appointment to fill vacancy" as Section 2-37.1 and to change the current section caption to "Method of filling temporary council vacancy;" to re-designate the existing Section 2-37.1 "Succession to the office of Mayor, office of Council President and position of Council President Pro Tempore" to Section 2-37.2; to make minor language modifications to said sections and subsections for purposes of clarification and/or consistency; to waive conflicting ordinances; and for other purposes.  
**REFERRED TO COMMITTEE ON COUNCIL BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

Council President Lisa M. Borders Presided

**COMMITTEE REPORTS (CONT'D)**

**CITY UTILITIES COMMITTEE (1)**  
**CARLA SMITH, CHAIR**

Attendance at the November 10, 2009 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Smith (Chair), Shook, Muller and Young

Absent: Councilmembers Archibong, Sheperd and Mitchell

**RESOLUTION**

09-R-1946 ( 1) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into Amendment Agreement No. 11 for FC-6004007863, Customer Information and Billing System and Off-Site Billing Services, with Systems and Software, Inc. ("S&S") to add 24X7 Nortel Network IVR Service and Support, on behalf of the Department of Watershed Management in an amount not to \$27,097.66; all contracted work shall be charged to and paid from 5051 (Water and Wastewater Renewal Fund) 170113 (Information Systems) 5213001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information/Additional Licenses); and for other purposes.  
**FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

# **PERSONAL PAPERS**

Council President Lisa M. Borders Presided

**PERSONAL PAPERS**

**RESOLUTIONS/REFERRED**

09-R-2037 ( 1) A Resolution by **Councilmember Kwanza Hall** a resolution of the Atlanta City Council requesting that the Administration review the financial impact/revenue opportunities of expanding hours for sale of liquor in the City from 2:30 to 4 AM; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

09-R-2039 ( 2) A Resolution by **Councilmember Natalyn Mosby Archibong** authorizing the Mayor or her designee to seek a request for proposal (RFP) or a request for quotes (RFQ) to determine if methane gas being produced at the City's four (4) solid waste landfills can be sold to a natural gas provider; and for other purposes.

**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

09-R-2042 ( 3) A Resolution by **Councilmember Clair Muller** a resolution of the Atlanta City Council supporting and requesting that the Department of Aviation take affirmative actions to reduce expenses and capital expenditures so as to maintain a debt service ratio of 1.4; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

**ORDINANCES/REFERRED**

09-O-2038 ( 1) An Ordinance by **Councilmember Kwanza Hall** amending the 2010 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations Transportation Enhancement Funds in the amount of Two Hundred Twenty Three Thousand Five Hundred Fifteen Dollars and Sixty Three Cents (\$223,515.63) for the purpose of funding construction expenses for Fairlie-Poplar Historic District Streetscapes Project; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

Council President Lisa M. Borders Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/REFERRED (CONT'D)**

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

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

09-O-2041 ( 3) An Ordinance by **Councilmember Carla Smith** authorizing the Mayor or her designee to execute an amendment to Renewal Agreement No. 4 with Republic Services of Georgia, LP for FC-7650-04B, annual contract for disposal of municipal solid waste, on behalf of the Department of Public Works, for the purpose of extending the agreement on a month to month basis not to extend beyond July 31, 2010, in an amount not to exceed One Million Three Hundred Thousand Dollars and No Cents (\$1,300,000.00); and authorizing the City of Atlanta to waive the competitive source selection requirements contained in Sections 2-1187 through 2-1189, and 2-1206 of Article X Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; all contracted work will be charged to and paid from Fund, Department, Account and Activity Number: 5401 (Solid Waste Services Revenue Fund) 130542 (DPW Disposal-Landfill), 5212001 (Consultant/Prof. Services), 4560000 (Closure & Post Closure Care) or Successor Accounts; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

Council President Lisa M. Borders Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/REFERRED (CONT'D)**

09-O-2043 ( 4) An Ordinance by **Councilmember Jim Maddox** to amend the FY 2010 [Airport Revenue Fund (5501) and the Conrac Customer Service Facility Charge Fund (5512)] Budgets by transferring between funds \$618,874.00 representing buy-outs of Avis Rent A Car System, Inc. and Vanguard Car Rental USA Inc.'s unamortized improvements in their existing facilities at Hartsfield-Jackson Atlanta International Airport due to the requirement that they relocate their facilities to the Consolidated Rental Car Facility on the opening day of that facility.

**REFERRED TO TRANSPORTATION COMMITTEE WITHOUT OBJECTION**

09-O-2044 ( 5) An Ordinance by **Councilmember Jim Maddox** to waive the payment provisions contained in Article X, Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances, to ratify the prior provision of services from April 1, 2009 through December 14, 2009 by Inslaw Inc., for the Comprehensive Justice Information System Court Management Software Support and Maintenance, to authorize the Chief Financial Officer to remit payment to Inslaw Inc. for the contract year beginning April 1, 2009, in an amount not to exceed Fifty-Six Thousand, Nine Hundred Fifty-one Dollars and No Cents (\$56,951.00); and to authorize the Mayor or her designee to execute an agreement with Inslaw Inc., for six (6) months with an effective date of December 15, 2009 and ending June 30, 2010 on behalf of the Department of Information Technology, in an amount not to exceed Thirty-Seven Thousand, Nine Hundred Sixty-Seven Dollars and No Cents (\$37,967.00) for a total amount not to exceed Ninety-Four Thousand, Nine Hundred Eighteen Dollars and No Cents (\$94,918.00), to be charged to and paid from Fund, Department, Account and Center Number 1001 (General Fund) 050212 (IT Server Management) 521300001 (Consulting/Professional Services- Technical) 1535000 (Data Processing/Management Information System); and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

09-O-2045 ( 6) An Ordinance by **Councilmember Jim Maddox** amending the FY 2010 (Trust Fund) Budget, Office of the Mayor, by transferring appropriations in the amount of \$3,314.26 from the Dream Jamboree Program to the Mayor's Office of Weed and Seed to fund educational programs; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

Council President Lisa M. Borders Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/REFERRED (CONT'D)**

- 09-O-2046 ( 7)      An Ordinance by **Councilmember Jim Maddox** amending the FY 2010 (\_\_\_\_\_ Fund) Budget, Department of Aviation, by transferring appropriations in the amount of \$\_\_\_\_\_ for the Executive Pay Schedule 401(A) Plan; and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**
- 09-O-2047 ( 8)      An Ordinance by **Councilmember Jim Maddox** to amend Chapter 114, Personnel, Article “V,” Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to provide certain position reclassifications, employee salary adjustments, salary grade amendments and other personnel actions as a supplement to the FY10 Personnel Budget (Tier 2); and for other purposes.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**
- 09-O-2048 ( 9)      An Ordinance by **Councilmember Joyce M. Sheperd** authorizing the Mayor, on behalf of the Department of Public Works, to accept a Safe Kids Grant from Children’s Healthcare of Atlanta in the amount of Ten Thousand Dollars (\$10,000.00) for intersection and roadway improvements adjacent to Capital View Elementary School; and for other purposes.  
**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**
- 09-O-2049 (10)      An Ordinance by **Councilmember H. Lamar Willis** to amend the City of Atlanta 2008 Comprehensive Development Plan (CDP) so as to incorporate the “BeltLine Master Plan: Subarea 6 (Monroe-Piedmont);” to adopt the plan; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**
- 09-O-2050 (11)      An Ordinance by **Councilmember Ivory Lee Young, Jr.** amending the 2009 (Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipations and appropriations, in the amount of Thirty Five Thousand Dollars (\$35,000.00), from Cobb Housing, Inc., for the purpose of providing training and GED preparation to forty (40) youth, which will culminate in obtaining employable skills in the construction industry; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

Council President Lisa M. Borders Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/REFERRED (CONT'D)**

09-O-2051 (12) An Ordinance by **Councilmember Ivory Lee Young, Jr.** amending the 2009 (Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipations and appropriations, in the amount of Twenty Five Thousand Dollars (\$25,000.00), with Ruder Finn, Inc., for the purpose of implementing the Pursuit of Excellence Institute, in conjunction with the Atlanta Workforce Development Agency; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

09-O-2052 (13) An Ordinance by **Councilmember Ivory Lee Young, Jr.** amending the 2009 (Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipations and appropriations, in the amount of One Hundred Twenty Four Thousand Eight Hundred Dollars (\$124,800.00), from the United Way of Metropolitan Atlanta, for the purpose of funding the New Beginnings Program; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

09-O-2053 (14) An Ordinance by **Councilmember Ivory Lee Young, Jr.** amending the 2009 (Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipations and appropriations, in the amount of Twenty Seven Thousand Two Hundred Eighty Dollars (\$27, 280.00) from Seedco for the purpose of supporting earnbenefits activities in the City of Atlanta; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

09-O-2054 (15) An Ordinance by **Councilmember Clair Muller** to transfer \$311,624.00 from the District 8 Councilmember expense account to the Department of Public Works to be used to assist in funding various sidewalk projects in District 8; and for other purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

Council President Lisa M. Borders Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/REFERRED (CONT'D)**

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

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

# **ADJOURNMENT**

Council President Lisa M. Borders Presided

**ADJOURNMENT**

There being no further business to discuss, the November 16, 2009 meeting of the Atlanta City Council was adjourned at 3:55 p.m.

**ADJOURNMENT ROLL CALL: Council President Lisa M. Borders (1); Councilmembers Smith, Hall, Young, Archibong, Fauver, Shook, Muller, Moore, Martin, Maddox, Sheperd, Mitchell and Willis (13); Councilmembers Winslow and Norwood were excused (2).**