

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

NOVEMBER 10, 2009

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, November 10, 2009 at 4:37 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Kwanza Hall
The Honorable Anne Fauver**

The following members were absent:

**The Honorable Joyce Sheperd
The Honorable H. Lamar Willis**

Others present at the meeting were: Newly Elected Councilmember District 11, Keisha Bottoms, Jerry Deloach, Amber Robinson and Dianne Mitchell, Law Department; Deputy Chiefs Peter Andresen and Carlos Banda, Police Department; media, public and council staff.

Chair Cleta Winslow called the meeting to order at 4:37 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**

CONSENT

C. RESOLUTIONS

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

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 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**
- 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**
- 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**
- 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**
- 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**
- 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**
- 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**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 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**
- 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**
- 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**

Claims with unfavorable recommendations:

- 09-R-1966 (12) 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.
- 09-R-1967 (13) 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.
- 09-R-1968 (14) 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.
- 09-R-1969 (15) 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 15th Street.
- 09-R-1970 (16) 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.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1971 (17) 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.
- 09-R-1972 (18) Claim of **State Farm Insurance Companines, 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.
- 09-R-1973 (19) 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.
- 09-R-1974 (20) 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.
- 09-R-1975 (21) 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.
- 09-R-1976 (22) 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.
- 09-R-1977 (23) 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.
- 09-R-1978 (24) 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.
- 09-R-1979 (25) 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.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1980 (26) 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.
- 09-R-1981 (27) 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.
- 09-R-1982 (28) 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.
- 09-R-1983 (29) 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.
- 09-R-1984 (30) 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.
- 09-R-1985 (31) 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.
- 09-R-1986 (32) 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.
- 09-R-1987 (33) 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.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1988 (34) 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.
- 09-R-1989 (35) Claim of **Darius Williams**, for damages allegedly sustained as a result of driving over an unsecured construction cut on September 13, 2008 at 10th Street and Argonne Avenue.
- 09-R-1990 (36) 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.
- 09-R-1991 (37) 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.
- 09-R-1992 (38) 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.
- 09-R-1993 (39) 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.
- 09-R-1994 (40) 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.
- 09-R-1995 (41) 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.
- 09-R-1996 (42) 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 10th Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 09-R-1997 (43) 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.
- 09-R-1998 (44) 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.
(Councilmember Martin made a motion to approve Items C1-C44.)

FAVORABLE

REGULAR

D. ORDINANCE FOR FIRST READING

- 09-O-1999 (1) 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.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

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E. ORDINANCES FOR SECOND READING

09-O-1854 (1) 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.
(Councilmember Fauver made a motion to approve.)

FAVORABLE

09-O-1895 (2) 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.
(Councilmember Martin made a motion to approve.)

FAVORABLE

F. RESOLUTION

09-R-1954 (1) 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.
(Councilmember Martin made a motion to approve.)

FAVORABLE

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G. PAPERS HELD IN COMMITTEE

06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**

HELD

06-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

07-O-1795 (3) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-0190 (4) An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. **(Held 1/29/08 at the request of the author)**

HELD

08-O-0507 (5) An Ordinance by Councilmember Mary Norwood to create a new Section 106-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes. **(Held 3/11/08 for further review by the Law Department)**

HELD

08-O-0884 (6) An Ordinance by Finance/Executive Committee to amend Chapter 10, Article I, Section 10-1 of the Code of Ordinances, City of Atlanta, Georgia, so as to amend the definition of the word "Restaurant" to more closely reflect the definition of the term "Bona Fide Full-Service Restaurant" contained in Chapter Three of the Official Code of Georgia Annotated; to repeal conflicting ordinances; and for other purposes. **(Held 5/27/08 for further review)**

HELD

08-O-1147 (7) A **Substitute** Ordinance by Public Safety and Legal Administration Committee to amend the Charter of the City of Atlanta, Georgia, adopted under the authority of the Municipal Home Rule Act of 1965, O.C.G.A. 36-35-1 et seq., as amended, to amend the Charter of the City of Atlanta, Georgia, 1996 Ga. Laws, P. 4469, et seq., by amending Article 4, Courts, Sections 4-106 and 4-109 regarding the appointment of Judges Pro Hac Vice to the Municipal Court of Atlanta; to repeal conflicting ordinances; and for other purposes. **(Referred back from Council, on substitute - 3rd Reading, Final Adoption) (Held 2/24/09)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1211 (8) An Ordinance by Councilmembers H. L. Willis, C. T. Martin, Ivory L. Young, Jr. and Mary Norwood to create a separate Department/Organization (Dept/Org) to account for the activity of the Citizen Review Board (CRB); to move funds budgeted in the FY 2008 General Fund Budget in the Police Department's Public Affairs Unit for the purposes of the CRB; and for other purposes. **(Held 6/10/08 for further review)**

HELD

08-O-1252 (9) An Ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 10, Article II, Division 2, Section 10-94(a), to exempt certain properties from the distance requirements of 10-88 for the sale of alcoholic beverages for consumption on the premises; and for other purposes. **(Held 7/1/08 at the request of the Law Department)**

HELD

08-O-1289 (10) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 10, Article II, Division 2, Section 10-61, Entitled "Date for Payment of License Fees; Prorated Fees", to provide for an expiration date for all licenses issued under Division 2 of Chapter 10, Article II of Code of Ordinances; to change the date by which all Annual License Fees and Renewal Applications of all Annual Licenses issued under Division 2 of Chapter 10, Article II of the City of Atlanta Code of Ordinances must be submitted; to provide for prorated fees based upon the new deadline; to set forth that the effective date of this amendment shall be January 2, 2009; to repeal conflicting ordinances; and for other purposes. **(Held 7/15/08 at the request of the Law Department)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

08-O-1544 (11) An Ordinance by Councilman C. T. Martin to amend Section 162-78 (a) (3) and (6) (Taxicabs and Vehicles for Hire) of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the Annual Fingerprinting Requirement for Taxicab Drivers and to change the Driver's Training Course Requirement from annually to every three years; to waive conflicting ordinances; and for other purposes. **(Referred back by Full Council on 8/18/08) (Held 8/26/08 for further review.)**

HELD

08-O-1753 (12) An Ordinance by Councilmember Mary Norwood to amend Article XXIV entitled "Vending on Private Property"; and for other purposes. **(Held 9/9/08 for further review.)**

HELD

08-O-2436 (13) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 2, Article XVI, Division 11, Section 2-2211 and Chapter 2, Article XVI, Division 11, Section 2-2212 to provide for the disclosure of public police and corrections documents to the Citizen Review Board; to amend Chapter 98, Article II, Section 98-26(b)(3) and Chapter 98, Article IV, Section 98-153(b)(3) to require the Chiefs of Police and Corrections to appear before the Citizen Review Board upon request and set forth the reasons for delays in internal investigations into their employees' conduct; and for the other purposes. **(Held 1/13/09) (Held 4/28/08 for a work session)**

HELD

09-O-0389 (14) An Ordinance by Public Safety and Legal Administration Committee to amend Section 10-75 (5) of the Code of Ordinances of the City of Atlanta, Georgia ("The Alcoholic Beverage Code") so as to correct a Code Section reference error contained therein; to waive conflicting ordinances; and for other purposes. **(Held 3/10/09 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

09-R-0621 (15) 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.
(Councilmember Winslow made a motion to file.)

FILE

09-R-0722 (16) Claim of **Tracy Dummett**, for damages alleged to have been sustained from a police shooting incident on October 16, 2008 at 1500 Langston Avenue. **(Held 4/28/09 at the request of Councilmember Sheperd for further review by the Law Department.)**

HELD

09-R-1030 (17) 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. **(Held 6/9/09 at request of Councilmember Fauver.)**
(Councilmember Fauver made a motion to adverse.)

ADVERSE

09-O-1178 (18) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-36 to require that the dome lights, with which the roofs of all taxicabs must currently be affixed, be wired in such a way as to minimize the possibility of injury for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

09-O-1179 (19) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of taxicab safety equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment, and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes. **(Held 7/14/09 for further discussions.)**

HELD

09-C-1521 (20) A Communication by Mayor Shirley Franklin appointing **Mr. R. Roger Bhandari** as City Attorney. **(Held 9/15/09 at the request of the Administration.)**

HELD

09-C-1525 (21) A Communication by Mayor Shirley Franklin appointing **Ms. Katrice T. Hatten** to serve as a Taxicabs and Vehicles for Hire Hearing Officer on behalf of the City of Atlanta. This appointment is for a term of two (2) years scheduled to begin on the date of Council confirmation. **(Held 9/15/09 awaiting Ms. Hatten, to appeal before the committee.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

09-O-1559 (22) An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article II, Division 1, Section 162-42, entitled Miscellaneous Requirements and Penalties; and Section 162-43, entitled Table of Violations, so as to make it unlawful for drivers of Vehicles for Hire to engage the Child Safety Locks on the rear doors of a vehicle for hire unless otherwise directed; to establish penalties therefore; and for other purposes. **(Held 9/29/09 for further review)**

HELD

09-R-1681 (23) Claim of **Travelers Insurance Company, as subrogee of Pamela Evans**, for damages alleged to have been sustained as a result of driving over a pothole on April 24, 2009 at 366 Fair Drive. **(Held 9/29/09 at request of Councilmember Sheperd)**

HELD

09-R-1691 (24) Claim of **Mr. Alvin Hall**, for damages alleged to have been sustained as a result of driving over a pothole on April 10, 2009 at 366 Fair Drive. **(Held 9/29/09 at request of Councilmember Sheperd)**

HELD

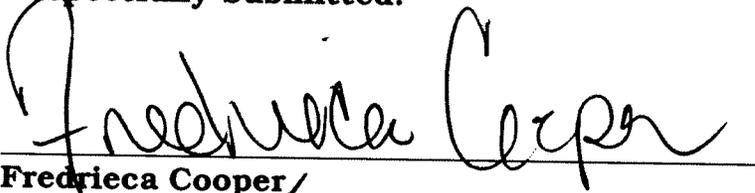
H. REQUESTED ITEMS

1. Councilmember Sheperd made a request for a work session on liquor licensing.
2. Councilmember Sheperd made a request for the Police Department to come back in September for an update on the Auditor's Recommendations regarding the Patrol Officer Availability Audit.
3. Councilmember Willis requested the Police Department to provide him with information regarding the feasibility of purchasing versus leasing a site for the Zone Two Precinct.

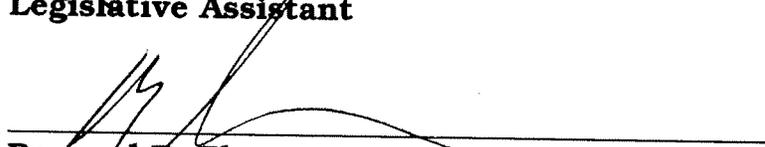
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There being no further business to come before the Committee, the meeting was adjourned at 4:53 p.m.

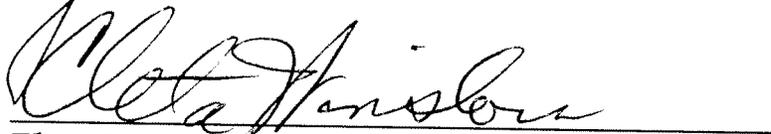
Respectfully Submitted:



**Fredrica Cooper
Legislative Assistant**



**Bernard R. Thomas
Research and Policy Analyst**



**The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee**