

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, May 11, 2011, at 1:00 p.m. in Council Chambers, City Hall South, 2nd Floor.

Present: Councilmember Yolanda Adrean, Chair Joya C. De Foor, CFO
 Councilmember Felicia A. Moore Departmental Staff
 Councilmember Howard Shook
 Councilmember Alex Wan
 Councilmember H. Lamar Willis
 Councilmember C.T. Martin
 Councilmember Aaron Watson

Chairperson Adrean called the meeting to order at 1:05 p.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, Howard Shook, Alex Wan, H. Lamar Willis, C.T. Martin and Aaron Watson. Other Departmental staff was present as well.

The Agenda was adopted and Amended as printed to include two Walk In Resolutions. The minutes of the Finance/Executive Committee of February 2, 2011 and March 16, 2011 were adopted, as well as the Work Session minutes from March 9, 2011, March 23, 2011 and March 31, 2011 regarding Pension Reform. The minutes from April 27, 2011 will be Approved as Amended.

Continuing, Chairperson Adrean announced that some news media said that there would be a public hearing today. That is not true, but we will have a public hearing tonight at 6:00 p.m. in the Council Chambers.

PRESENTATION/DISCUSSION ITEM

Financial Results

CFO De Foor stated that we will present the quarterly financials of January 2011 and February 2011.

Ms. Carol King: Chief of Budget and Fiscal Policy addressed the Committee by stating that she will discuss the expenditures. She will speak from the graph from February. Year to date budget through February is \$404 million dollars, actuals are \$426 million dollars for a variance of \$21.9 million dollars or 5%. Expenditures year to date is \$372 million dollars, actuals are \$320 million dollars for a variance of \$52 million dollars or 14% below budget. There was a high level of activity. The exceptions are Parks for seasonal activities and Public Works for snow storms. Councilmember Moore asked about the overview of expenditures. Is this related to the end of 2/28/11? Have all of the invoices been paid out? Ms. King responded yes. The majority of it will show up at the end of June. Councilmember Moore asked what happened to March and April 2011. CFO De Foor responded that March will be in the next cycle. She has asked that monthly reports be scheduled on a monthly basis. The quarterly reports may be longer, but we will have a monthly report. Councilmember Moore stated that a lot has happened since February. CFO De Foor responded that we will commit with the monthly goal. She then added that it is on line as well. Ms. King responded that we can have it on line monthly. Chairperson Adrean asked if on June 1st we can get the quarterly and monthly reports. Ms. King responded that we will work to have it at that time. Chairperson Adrean asked if we will need to take out a Tax Anticipation Note (TAN) to get through the months before we start collecting property taxes. CFO De Foor responded that this year we are fine, but next year is a different situation. Chairperson Adrean asked about the annual \$10 million to Watershed Management. Has the check been cut? CFO De Foor responded that we are waiting on GASB, but it is on the balance sheet. Chairperson Adrean asked if we are paying Watershed \$10 million or netting against something else. CFO De Foor responded that she does not know the second part of the Journal Entry, but she would have the Controller to come and speak. The market is saying that they are satisfied with the way we are satisfying our obligation to Watershed. Councilmember Moore asked if you are making other

decisions. CFO De Foor responded no, we did satisfy the obligation and if we did it another way we would have had findings from the auditors. Councilmember Moore stated that she is waiting on the GASB regulation. CFO De Foor responded that we provided the information. Councilmember Moore stated that we had this discussion at the first budget meeting. CFO De Foor responded that she thought the question was what happens if we don't have enough. Councilmember Moore stated that was part of it; part 1 was to show the citation and part 2 was what would happen if you don't have a positive balance sheet. She then said that you said that you would have to call GASB and was awaiting an answer to that question. Finally, she asked if it is treated as an expenditure, would we have to make adjustments for revenues so the balance sheet would come out positive? CFO De Foor responded that we do have cash balances. We are trying to comply with GASB to keep an unqualified opinion on our financials. Councilmember Moore stated that the people who did the audit identified the discrepancy and led us to the MOU, now the same people are saying we can't do it. CFO De Foor responded that in accordance with GASB 34 it can be recorded as a balance sheet transaction. Chairperson Adrean stated that it is helpful to have a payment schedule. We know \$10 million dollars plus interest was to be paid over 10 years. We are trying to get at if you are using \$10 million dollars of general fund cash to pay Watershed and has it been done. CFO De Foor responded that it is done at the end of the fiscal year. Councilmember Wan stated that he would like to see the explanation as well. You are either taking it away from the balanced year. CFO De Foor responded that she would provide the information to all Councilmembers. She is not remembering the other line item to the transaction. Councilmember Wan asked if the 14% variance would be washed out with the debt payment. Ms. King responded that debt payments are one of the items. The question is what other items are still outstanding. Councilmember Moore added that her issue is she knows it is being paid because she sees it. Will it be paid from somewhere else? It is giving us \$14 million dollars to play with. Councilmember Wan stated that it has to come from somewhere. We are stealing from prior years. CFO De Foor responded that is harsh and inaccurate. She believes it is coming from the general fund cash balance. Councilmember Wan stated that stealing it is how he sees it. Chairperson Adrean stated that is why we asked the Department of Finance to come up with a cash flow analysis for 2012 so we can understand the cash flow. Councilmember Willis asked what does the Enterprise Fund pay the General Fund? What does Watershed pay for indirect costs? Ms. King responded that she would provide the information. Councilmember Willis stated that if it is more than \$10 million dollars, it would make sense.

Mr. John Gaffney: Controller of the Department of Finance addressed the Committee by stating that the Memorandum of Understanding is treated as a balance sheet item because the payables and receivables are a short term debt. The requirement to be qualified for an interfund advance is to have a structured repayment schedule. It is appropriate for long term payables for Watershed to have receivables. As we pay the note down you are crediting cash and debiting your payables. Chairperson Adrean asked if a payment of \$10 million dollars been sent to Watershed for 2011. Mr. Gaffney responded yes, annual payments are made on July 1st and the 2010 payment has been recorded. Councilmember Wan gave an example of the cash balance being at \$0, and next year expenditures are \$546 million dollars and it is \$0. Where would the payment of \$10 million dollars come from? Mr. Gaffney responded that we have to make sure we have enough cash on hand to make the payment. CFO De Foor added that it is uncategorized to say that there is \$0 cash. Mr. Gaffney stated that it is resetting the budget every year. Chairperson Adrean stated that it would be helpful to look at the footnote with a graph in it and it has what each Enterprise Fund owes us and each other. Mr. Gaffney responded that the MOU is covering the General Fund cash, such as E-911, etc. If the deficit has not been repaid, we would have a cash issue. CFO De Foor asked if we could come back and do a presentation at the next Finance/Executive Committee meeting. Councilmember Moore asked if you have the monthly statement for July 2010. Ms. King responded that you will not see it. Mr. Gaffney added that it was paid, but the balance sheet does not have it. Councilmember Moore stated that she needs to see the actual transfer. Mr. Gaffney responded that the interest would not show up on it. Chairperson Adrean asked about the year to date revenues. Is it month to month?

Mr. Gary Donaldson: Director of Revenue addressed the Committee by addressing collections. There are two formats before you regarding the property tax line. We budgeted at \$185 million and we are currently at \$189 million. We have an overall 77% anticipation with four months remaining. We are on track with anticipations of \$549 million dollars. Councilmember Moore stated that she wants to see monthly reports on revenues as well. Mr. Donaldson responded that March had 86%.

Mr. Peter Aman: Mayor's Office Chief Operating Officer addressed the Committee by stating that we have an ongoing program to manage expenses below budget. Over the last several months we have increased the efforts. We have a hiring freeze, except for critical positions such as in Watershed, Pollution Control and it would have to come through his Office. Chairperson Adrean stated that last year there was a suggestion to get payables on line. Below the salaries there are some underbudget things. CFO De Foor responded that is one of the key roles of the Budget Analyst. Some Departments have been judicious about spending money. Councilmember Martin asked about the assessment of property taxes. Mr. Donaldson responded that we don't have a preliminary tax digest. We made assumptions regarding the declines. Councilmember Martin asked about the Alcohol Tax where the General Assembly passed the Sunday sales. The City has to prepare legislation as well. Mr. Donaldson responded that it is a policy decision. Councilmember Moore stated that the Clerk's Office asked if we wanted to do a Referendum. If we did it by itself it would be \$1 million dollars, but if we waited for the Presidential Elections it would be less. Councilmember Martin stated that we are 50.5% low with building permits. Mr. Donaldson responded that it is the continued real estate sector. It is throughout the Country. We have had offsets in other areas and will meet the anticipations. Councilmember Martin asked how will we do. Nine of the variables have a minus. The 6th one is doing okay. Will it affect the Bond rating? Mr. Donaldson responded that one item that was not reflected was business license of \$7.9 million dollars and in March it was \$34 million dollars. It is the timing of the receipts. Chairperson Adrean asked about the Watershed True Up of \$8.6 million dollars. Mr. Donaldson responded that it is the franchise taxes and the new millage rate. For two years we chewed it up. It is going through on the Journal Entry in January. Councilmember Moore asked about the explanation under Non Department expenditures for the timing difference related to debt payments and water charges. Ms. King responded that is for February and the difference is due to the debt payment. On the right side is one additional item, the storm water damage, that was not budgeted and we had to cover it. Councilmember Moore asked when are they paid? Ms. King responded twice a year, January 1st and June 1st. Chairperson Adrean stated that Thursday we will have a presentation on Non Departmental.

CFO De Foor stated that we have a new member in our Department.

Mr. Jerry DeLoach: Director of Risk Management addressed the Committee by stating that he would be over Risk Management to process claims. The City has changed its philosophy in regards to risk management. He was the former Deputy City Attorney in the Law Department. Councilmember Willis asked how will we do a better job to make sure there is remedial training such as fixing a pot hole, etc. Mr. DeLoach responded now that there is senior leadership there will be a greater sense of accountability. He will work with insurance, workers' comp policies and contract compliance. We will address claims when there is an investigation done. We will do operating procedures and work with the Safety Officer. Councilmember Moore stated that all of the claims that are filed against the City there is some litigation that takes place. Mr. DeLoach responded that we will look at having claims under Risk Management. He has a good working relationship with the City Attorney. Councilmember Martin stated that Black and Beech did a study and audit on safety after an incident happened at R.M. Clayton and he wants to know how much has been completed. He was told that 95% of the work was completed. Mr. DeLoach responded that he recalls the incident. Councilmember Martin stated that we have been advised not to raise questions about what happened at South River. When he arrived at R.M. Clayton he asked who was the Safety Officer and where was the safety manual? He advises him to look at the audit and tell him how much of it has been completed. He appreciates his thoroughness. Councilmember Willis asked who is the new Deputy City Attorney? Mr. DeLoach

responded Mr. Eric Richardson. Councilmember Willis stated that we have to have people to be willing to respond if something is terminable. If we have to terminate employees, we have to document it thoroughly. We have drivers that have been in several accidents and still on the job. There are ways not to terminate, but give other duties.

Sustainability Update – Bill Hosken

Mr. David Bennett: Mayor's Office Advisor addressed the Committee by asking if the items Held could be brought forward. We adopted a plan in October.

Mr. Bill Hosken: Director of the Office of Sustainability addressed the Committee by stating that 1st we were looking to serve as an internal resource to City Departments on sustainability matters/opportunities, 2nd is working with community stakeholders, business organizations and academia and 3rd securing federal and state funding support. The Office is funded through three federal U.S. Department of Energy Recovery Act Grants. The first is EECBG Formula of \$5.89 million dollars, EECBG Competitive of \$1.2 million dollars and Clean Cities of \$1.1 million dollars. Councilmember Willis asked if the funding is one time funding. Mr. Hosken responded yes, the bulk of the funding is through mid 2012. He then stated that he is the Interim Director. He then introduced staff, Aaron Bastian, Communications and Project Manager, Jean Pullen, Energy Engineer, Janice Zweig, Project Management, Jules Toraya, Project Manager, Sydnee Grushack, Management Analyst and Taylor Carson, Project Coordinator. Councilmember Martin asked if the people that are paid out of the \$9 million dollars full time. Mr. Hosken responded yes. They are paid through grant funding with no match requirements. We are assigned to the Mayor's Office. Councilmember Martin asked why aren't any of you assigned to Council because the second graph involves us. Mr. Hosken responded that there is no one directly funded to Council. We will be approaching you directly. In October 2010, the Mayor and the Office of Sustainability launched the City's first sustainability plan, know as Power to Change. The goals of Power to Change are as follows: transportation, fleet fuels, climate change, water conservation, water quality, waste, greenspace, energy and local food systems. In ranking, Atlanta moved from 38 in 2006 to 19 in 2008. We believe we will move further up in 2010 and reach the top 10 in 2012. Councilmember Wan asked what factors went into the ranking. Mr. Hosken responded they range from metro transit congestion, water, greenspace, etc. The next few slides are projects we have on the way. The R.M. Clayton Wastewater Treatment Plan Combined Heat Power Project is one of the major projects with total assets of \$7 million dollars an initiative of 3%. The Energy Service Contract project is of all major City facilities and it is in the RFQ phase. It will be paid back over 15 years with maintenance savings. We will use the savings to pay the principle and interest as well. The next program is the Shine Program. It provides retrofitting improvement rebates up to 25%. The Civic Center Project contract is signed and work is underway. Next are the three budgets before Council, the first is the parking deck Aviation lot. The paper is before Council and is being Held. We have a project for energy savings that will be paid back into the fund to fund future projects. This project is critical to meeting our spending targets. We are targeted to spend 50% by June. The value of it is \$1.7 million dollars to be paid over 3.5 years. Next is the Water Treatment Plant and it is similar to the Airport project. We are looking at structuring it with the Airport lighting project. Finally is the paper Held for the City Hall Energy Efficiency Upgrade Project. It would be structured as a 15 year energy project. We will replace equipment past its service life such as chillers. This project will be cash flow positive. The value is \$5.6 million dollars. We have to do more in-depth and comprehensive scoping. The Mayor's priority projects include the Trinity Avenue Urban Farm to produce edible food. We have a Bike Share Project using GPS tracking device systems, urban footprint, and green workforce develop. Next is the Farmer's Market legislation that will be introduced in August. Next is the zero Waste Plan to have at least 90% of landfills cleared by 2020; Rain Barrel Capture rounds out the projects. Next two slides are glossaries. We have another 17 projects in conceptual phases.

APPOINTMENT OF MS. YVONNE COWER YANCY

11-C-0709 (1) A Communication by Mayor Kasim Reed appointing **Ms. Yvonne Cower Yancy** as Commissioner of the Department of Human Resources.

FAVORABLE

Mr. Aman stated that he wanted to recommend our designee. She has worked at Sun Trust and Turner Broadcasting and has experience to move forward with our difficult HR related issues.

Ms. Yvonne Cower Yancy: addressed the Committee by stating that she is a native Atlantan and she is humble to serve. She has 16 years of experience. She has a Bachelor's Degree in Economics from Western University. She has a MBA from Georgia State University. She has performed all functional roles in HR. Councilmember Willis stated that he thought it was impressive that you met with all Councilmembers. Ms. Yancy responded that she thinks it is healthy to work with Council and the Mayor and she looks forward to it. Councilmember Moore stated that she is looking forward to addressing some of the issues. We want to make sure that we help and support our employees. There are a lot of issues that we face. She will be watching very closely. Councilmember Martin stated that our workforce needs a lot of work dealing with pension, etc. and they are tired. It will take a lot of patience, strength and courage. Are you prepared for that? You are in the midst of a life change situation for our employees. We are consistently cutting our workforce. Ms. Yancy then acknowledged her parents, etc. Councilmember Martin offered a motion to **Approve, 6 Yeas.**

Mr. Dave Walker: addressed the Committee by stating that he was trying to recall an Atlanta native appointed here. He will also be watching closely.

CONSENT AGENDA

TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS

11-O-0745 (1) An Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances, allowing the City to contractually exercise its renewal options on an expired contract as Renewal Agreement No. 1 for the Agreement with Rehirig Pacific, Inc., for FC-6006007924, Annual Contract for the Incentivized Recycling Pilot Program on behalf of the Department of Public Works, with all contracted work being charged to and paid from Fund, Department Organization, and Account Number: 5401 (Solid Waste Services Revenue Fund) 130543 (DPW Recycling and Collection) 5212001 (Consultant/Professional Services) 4540000 (Recyclable Collection); and for other purposes.

FAVORABLE ON FIRST READ

TO CORRECT ORDINANCE NUMBER 09-O-1897

11-O-0746 (2) A **Substitute** Ordinance by Finance/Executive Committee to correct Ordinance Number 09-O-1897 adopted by the Atlanta City Council on November 16, 2009, and approved by the Mayor on November 24, 2009; and for other purposes.

FAVORABLE ON FIRST READ

TO AMEND SECTION 146-26 (B), (C), (D), (E) AND (F) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA

11-O-0747 (3) An Ordinance by Finance/Executive Committee to amend Section 146-26 (b), (c), (d), (e) and (f) of the Code of Ordinances of the City of Atlanta, so as to change the Ad Valorem Tax Rate of Real and Personal Property for the General Levy, City Parks Levy, School Operating Levy, School Debt Levy and the Special Tax District Levy; to provide the tax rates established herein shall remain fixed each year until amended or repealed; and for other purposes.

FAVORABLE ON FIRST READ

TO AMEND CHAPTER 114, PERSONNEL, ARTICLE "IV"; CLASSIFICATION PLAN OF THE CODE OF ORDINANCES

11-O-0748 (4) An Ordinance by Finance/Executive Committee to amend Chapter 114, Personnel, Article "IV"; Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to provide for certain position abolishments, creations, reclassifications, class abolishments, class creations, class title amendments, above entry authorizations, employee salary adjustments, salary grade amendments, position transfers; position funding allocation changes and other personnel actions in line with the 2012 Budget; and for other purposes.

FAVORABLE ON FIRST READ

Chairperson Adrean offered a motion to **Approve the Consent Agenda, 5 Yeas, 1 Nay.**

REGULAR AGENDA

TO AMEND THE FY 2011 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND) BUDGET

11-O-0637 (1) A **Substituted** Ordinance by Finance/Executive Committee to amend the FY 2011 (Water and Wastewater Renewal and Extension Fund) Budget by adding to anticipations and appropriations Grant proceeds from the United States Environmental Protection Agency in the amount of \$964,300.00 for Grant Number XP-96475707-0; and for other purposes. **(Finance/Executive Committee Substitute refers to a Resolution that was passed two weeks ago, 5/11/11)**

FAVORABLE ON SUBSTITUTE

Chairperson Adrean stated that we have a Substitute.

Ms. Maria Runnells: Office of Debt and Investment addressed the Committee by stating that the Substitute refers to a Resolution that was passed two weeks ago. This paper will go with the Resolution. Councilmember Martin offered a motion to bring forth the Substitute Resolution. He then offered a motion to **Approve on Substitute, 6 Yeas.** Councilmember Shook asked what would we do with the \$1 million dollars. Ms. Runnells responded that it is expended and it would go into the Renewal and Extension Fund.

Mr. Dexter White: Interim Commissioner of the Department of Watershed Management addressed the Committee by stating that it is a reimbursement for the work done at the South River. There are no other grant proceeds for the Consent Decree Projects.

TO ADOPT THE FISCAL YEAR 2012 PROPOSED BUDGET

11-O-0638 (2) A **Substituted** Ordinance by Finance/Executive Committee adopting the Fiscal Year 2012 Proposed Budget, to include all Funds; and for other purposes. **(Finance/Executive Committee attaches the Budget, 5/11/11)**

HELD AND AMENDED

Chairperson Adrean stated that we need to Amend this paper to attach the Budget. The legislation was Amended Held.

Mr. Al Bartell: addressed the Committee by stating that he wanted to speak on input regarding the budget. Has there been input from the 216 special interest groups? Has 225 community representatives had input? Has there been input from the 50 faith based associations? Over 25 corporations provided their input. Has there been input from 25 business corridors? Hundreds of hours of data have been the base of this budget so has the 100 hours been made available to the employees? Our only recourse is to include and allow faith leaders and community leaders to provide documentation regarding this budget. Chairperson Adrean stated that we have several public hearings. On tomorrow at 6:00 p.m. there will be a public hearing. Councilmember Martin thanked Mr. Bartell for the list and he wants him to get responses from the communities. In previous years, the public hearing attendance has been sad. We used to take them to each quadrant of the City, but that has been waned away with. He is concerned with 36,000 people who have left the City. He appreciated his efforts to get people to come out. Mr. Bartell responded that he accepts the challenge. Councilmember Moore stated that back in 1996, the Charter said that the Citizens Review Commission was to provide input to the budget. Council does not create the budget and only approves it. This is a process where the community is addressed in the budget, but it never happened. You are asking the wrong people. It should be addressed to the Mayor's Office. To make changes something else has to give. The Mayor recommends the cut. Certain issues have good lobbies. We are representing a document that we did not produce. Our ability to give you what you want is limited. Councilmember Martin stated that in Cleveland the citizens put together a Citizens Budget that is more service oriented.

Ms. Rainie Jueschke: of the Center for Puppetry Arts addressed the Committee by stating that we are able to keep our ticket prices low. We have hands on workshops. The Center for Puppetry Arts has award winning performances. It is a major revenue generator for the City. The Center has a \$9 million dollars impact on revenues. The impact of cutting the cultural arts budget is direct. Every dollar we receive, we give back \$7 dollars. Last year we gave 118,000 free tickets to kids going to Title 1 schools. She sees the value every day on the kids faces.

TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS

11-O-0639 (3) An Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X, Procurement and Real Estate Code of the City of Atlanta Code of Ordinances, to authorize the Mayor, on behalf of the City of Atlanta ("City"), to negotiate for and to purchase approximately 1.65 acres of property located at 1935 Wellbourne Drive from the Conservation Fund or current land owner ("The Property"), for the purpose of expanding the existing Morningside Nature Preserve Park ("Park"), in an amount not to exceed four hundred thousand dollars (\$400,000.00), the City's purchase price, closing costs, due diligence, and development costs shall be paid from Park Impact Fee North as shown below and amending the 2011 General Government Capital Outlay Fund Budget for the Department of Parks, Recreation and Cultural Affairs and the Department of Finance by transferring

between accounts the sum of four hundred thousand (\$400,000.00); and for other purposes.

FAVORABLE

Ms. Helen Wickersham: Senior Manager at ADA addressed the Committee by stating that we are asking for approval to move forward with the greenspace acquisition to extend the Morningside Nature Preserve and create an enhanced entrance. Councilmember Wan offered a motion to **Approve, 6 Yeas**. Councilmember Watson asked if it is available throughout the City. Councilmember Wan stated that everyone is welcomed.

TO WAIVE THE COMPETITIVE SOURCE SELECTION REQUIREMENTS

11-O-0640 (4) A **Substituted** Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Source Selection Requirements contained in Section 2-1187 of Article X Procurement and Real Estate Code of the City of Atlanta Code of Ordinances and; authorizing Allied Aviation Fueling of Atlanta, Inc. to provide and the City of Atlanta to accept Fuel Storage Facility and Fueling Facility Management and Operation Services at Hartsfield-Jackson Atlanta International Airport on a month to month basis beginning on May 29, 2011 under the terms of Agreement FC-7468-02 for a period not to extend beyond June 30, 2012, in an amount not to exceed \$3,162,044, to be charged to and paid from FDOA 5501 (Airport Revenue Fund) 5212001 (Consulting/Professional Services) 180302 (Maintenance Airfield); and for other purposes. **(Finance/Executive Committee Conditional passage of providing a Substitute by Monday, 5/11/11)**

FORWARD ON CONDITION FOR SUBSTITUTE

Mr. Roosevelt Council: Department of Aviation CFO addressed the Committee by stating that this will allow the Airport to use the current vendor to provide fuel on a month to month basis. We are preparing a RFP that will be out in a few weeks. Councilmember Willis asked why are we in this position? Mr. Council responded that over a year ago the Airlines wanted to form a consortium to manage the fuel farm. One is for the subject of this legislation and the other is managed by the Airlines. Councilmember Willis asked what happened. Mr. Council responded that the Airlines have not come to a decision. We will have a Termination Clause in the RFP. Councilmember Willis asked if there is a maximum time frame for the month to month service. Mr. Council responded to the extent of the time to do the solicitation we are trying to get it done before the International Terminal and it can't be no longer than April. Councilmember Willis offered a Condition of extending the expiration to April 2012 instead of June 2012. Councilmember Willis asked if we could do the procurement that states not to exceed six months. Mr. Council responded that six months is aggressive. Chairperson Adrean asked how would it affect the dollar amount? Mr. Council responded that we would make the adjustment. Chairperson Adrean stated that we would have to do a Substitute on Monday at Full Council meeting. The paper is moved **Forward on Condition of providing a Substitute, 7 Yeas**.

TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS

11-O-0641 (5) An Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X, Procurement and Real Estate Code of the City of Atlanta Code of Ordinance, to authorize the Mayor, on behalf of the City of Atlanta ("City"), to negotiate for and to purchase one approximately 2.4 acre parcel of property located at

0 Fairburn Road from the Conservation Fund or current land owner (“The Property”), for the purpose of expanding the existing Ben Hill Park (“Park”), in an amount not to exceed two hundred thousand dollars (\$200,000.00), the City’s purchase price, closing costs, due diligence, and development costs shall be paid from Park Impact Fee West 14201997 (Project), 105 (Task), 350291107 (Award), 5411001 (Expense Type Land), Organization City of Atlanta, and amending the 2011 General Government Capital Outlay Fund Budget for the Department of Parks, Recreation and Cultural Affairs and the Department of Finance by transferring between Accounts the sum of two hundred thousand (\$200,000.00); and for other purposes.

FILE

Councilmember Willis offered a motion to **File, 7 Yeas.**

TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS

11-O-0642 (6) An Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X, Procurement and Real Estate Code of the City of Atlanta Code of Ordinance, to authorize the Mayor, on behalf of the City of Atlanta (“City”), to negotiate for and to purchase approximately 16.5 acres of property located a 0 Harper Road from the Conservation Fund or current land owner (“The Property”), for the purpose of expanding the existing Swann Preserve Park (“Park”), in an amount not to exceed five hundred sixty thousand dollars (\$560,000.00). The City’s purchase price, closing costs, due diligence, and development costs shall be paid from Park Impact Fee South as shown below and amending the 2011 General Government Capital Outlay Fund Budget for the Department of Parks, Recreation and Cultural Affairs and the Department of Finance by transferring between Accounts the sum of five hundred sixty thousand (\$560,000.00); and for other purposes.

FAVORABLE

Councilmember Smith stated that everything has been done and we ask for approval. Councilmember Shook offered a motion to **Approve, 6 Yeas.**

A FIFTEENTH SUPPLEMENTAL BOND ORDINANCE

11-O-0643 (7) An Ordinance by Finance/Executive Committee Fifteenth Supplemental Bond Ordinance supplementing the restated and amended Master Bond Ordinance of the City of Atlanta adopted on March 20, 2000 (99-O-1896), as previously amended and supplemented, to provide for the Issuance of not to exceed \$275,000,000 in aggregate principal amount City of Atlanta Airport General Revenue Refunding Bonds, Series 2011A (Non-AMT) (The “Series 2011A Bonds”) and not to exceed \$250,000,000 in aggregate principal amount City of Atlanta Airport General Revenue Refunding Bonds Series 2011B (AMT) (The Series 2011B Bonds, together with the Series 2011A Bonds, the “Series 2011A/B Refunding Bonds”), to provide funds for the purpose of among other things, refunding and redeeming all or a portion of the outstanding Airport General Revenue and Refunding Bonds, Series 2000A (Non-AMT) (The “Series 2000A Bonds”), Airport General Revenue Bonds, Series 2000B (AMT) (The “Series 2000B Bonds”), and Airport General Revenue Refunding Bonds, Series

2000C (Forward AMT) (The “Series 2000C Bonds”); to provide for a reasonably required Debt Service Reserve, to reimburse the City for all or a portion of a termination payment made in respect of certain Forward Interest Rate Exchange Agreements entered into in connection with the Series 2000A Bonds and the Series 2000B Bonds; to provide for the form of said Series 2011A/B Refunding Bonds for the execution of said Series 2011A/B Refunding Bonds; providing for the rights of the holders of said Series 2011A/B Refunding Bonds; to authorize and approve the preparation, use and distribution of a Preliminary Official Statement and a Final Official Statement in connection with the offer and sale of said Series 2011A/B Refunding Bonds; granting the Mayor the authority to deem final the Preliminary Official Statement for purposes of Securities and Exchange Commission Rule 15c2-12; granting the Mayor the authority to approve and execute a Final Official Statement; approving the forms and authorizing the execution of said Series 2011A/B Refunding Bonds, a continuing Disclosure Agreement; a Bond Purchase Agreement, and certain other Agreements in connection with said Series 2011A/B Refunding Bonds and providing for incidental action; authorizing the negotiation and purchase of Municipal Bond Insurance and the selection of a Bond Insurer with respect to all or a portion of said Series 2011A/B Refunding Bonds, if determined to be in the best interest of the City; designating a Paying Agent and Bond Registrar; providing for severability; authorizing certain Officials and Employees of the City to take all actions required in connection with the Issuance of said Series 2011A/B Refunding Bonds; providing certain other details with respect thereto; providing an effective date; and for other related purposes.

HELD

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

- 11-R-0688 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a cooperative Purchasing Agreement with Ricoh Americas Corporation, pursuant to Sections 2-1602 and 2-1604 of the Procurement and Real Estate Code of the City of Atlanta, utilizing the GSA Contract #GS-03F-0085U, for the purchase of eight multi-functional copiers on behalf of the Municipal Court of Atlanta, in an amount not to exceed \$20,000.00; all costs to be charged to and paid from the Fund, Department, Account, and Function Activity listed; and for other purposes. **(Referred from Full Council to Finance/Executive Committee, 5/2/11)**

HELD

CFO De Foor stated that we wanted the Courts to be here because the copiers were acquired and installed in February. She recommends Holding it.

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

- 11-R-0749 (2) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Cooperative Purchasing Agreement pursuant to Article X, Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, utilizing Fulton County Contract Number 071TB55001 YB-BR for long distance telephone service with Bellsouth Telecommunications, Inc., d/b/a AT&T Georgia for a term of three (3) years with two (3) one-year renewal options on behalf of the Department of Information Technology

under a Blanket Purchase Order in an amount not to exceed three hundred thousand dollars and no cents (\$300,000.00); all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050209 (IT Telecommunications) 5232001 (IT Communications) 1535000 (Data Processing/Management Information System); and for other purposes.

FAVORABLE

Mr. Michael Dogan: Interim Chief of Information Technology addressed the Committee by stating that this is for long distant services. It is a Citywide contract. To date we have not had a contract. Councilmember Wan asked if there is an estimate because more employees are using cell phones. Mr. Dogan responded that we have put in an accountability tracking mechanism. Councilmember Watson offered a motion to **Approve, 5 Yeas.**

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

11-R-0750 (3) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Cooperative Purchasing Agreement pursuant to Article X, Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, utilizing the General Services Administration Contract Number GS-35F-0823M for the purchase of CA Software, Licenses and Support for the City's Hosted Mainframe Applications for a term of three (3) years beginning June 1, 2011 from CA, Inc. in an amount not to exceed one Hundred twenty-eight thousand, seven hundred thirteen dollars and fifty cents (\$128,713.30) per year for a contract total of three hundred eighty-six thousand, one hundred forty dollars and fifty cents (\$386,140.50) on behalf of the Department of Information Technology; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050212 (DIT Server Management) 5213001 (Consulting/Professional Services – Technical) 1535000 (Data Processing/Management Information System); and for other purposes.

FAVORABLE

Mr. Dogan stated that this is for software and support services that are housed on the mainframe and it helps with backup. Councilmember Watson stated that he is concerned with the Cooperative Purchasing Agreement strategy. He wants the CFO to do an analysis on what the savings are and what we are giving up regarding our values and standards. He is seeing a lot of it. CFO De Foor responded that she would provide it. Councilmember Shook offered a motion to **Approve, 5 Yeas.**

TO ISSUE A REFUND TO CROWN PLAZA HOTEL

11-R-0751 (4) A Resolution by Finance/Executive Committee authorizing the Chief Financial Officer to issue a refund to Crown Plaza Hotel in an amount not exceed eighteen thousand, two hundred eighty nine dollars and forty six cents (\$18,289.46) for Alcohol Excise Taxes paid in error to the City of Atlanta; all funds shall be charged to and paid from Fund Department Organization Account Number 1001 (General Fund) 200301 (NDP Unallocated-Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources); and for other purposes.

HELD

Councilmember Wan asked what is the statute of limitations for refunds? CFO De Foor responded that was her question. This item will be resolved at the next meeting.

TO ENTER INTO AMENDMENT NUMBER 4 FOR FC-4714

11-R-0752 (5) A **Substituted** Resolution by Finance/Executive Committee authorizing the Mayor to enter into Amendment Number 4 for FC-4714, Citywide HVAC Services with Honeywell, Inc. on behalf of Executive Offices-Office of Enterprise Assets Management for HVAC Services for 72 Marietta Street, formerly the Atlanta Journal Constitution Building (AJC), in an amount not to exceed six hundred thousand dollars (\$600,000.00), with one hundred forty-five thousand, one hundred thirty-seven dollars (\$145,137.00) thousand to be charged from Fund 1001 (General Fund) 040406 (Exc. Heating and Air Maintenance Operations), 52323001 (Util. Electricity) 156900 (General Buildings & Plants) and four hundred fifty-four thousand, eight hundred sixty three dollars (\$454,863.00) to be charged to and paid from 5051 (Water & Wastewater Revenue Fund), Department 170100, Account 5222003, Function Activity 1512000; and for other purposes. **(Finance/Executive Committee corrects FDOA, 5/11/11)**

FAVORABLE ON SUBSTITUTE

Mr. Larry Riddle: Director of Facilities Management addressed the Committee by stating that this takes care of the HVAC services at Marietta Street. This is maintenance associated with the air conditioning and to install the required chiller. The air conditioning is good right now because it is vacant. Councilmember Watson asked what was the strategy used with this building. Mr. Riddle responded that an assessment was done and it is in good shape. Councilmember Willis offered a motion to **Approve on Substitute, 6 Yeas.** Councilmember Moore asked that this paper be Reconsidered. Councilmember Wan offered a motion to **Approve on Substitute ,5 Yeas, 1 Nay (Moore).**

TO EXECUTE RENEWAL NUMBER ONE (1) WITH MOTOROLA, INC.

11-R-0753 (6) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to execute Renewal Number One (1) with Motorola, Inc., for Citywide Digital Radio Maintenance on behalf of the Department of Information Technology, in an amount not to exceed two million, eighty-seven thousand, four hundred fifty-five dollars and forty-eight cents (\$2,087,455.48), beginning July 1, 2011 through June 30, 2012; all contracted work shall be charged to and paid from Fund, Department, Organization and Account Number 1001 (General Fund) 200316 (NDP-E911 Subsidy) 5212001 (Consulting/Professional Services) 3800000 (E-911); and for other purposes.

FAVORABLE

Mr. Dogan stated that this is for continued support and maintenance of the radio system. Chairperson Adrean asked how does it compare to prior years? Mr. Dogan responded that it is shared through the enterprise. CFO De Foor responded that it is shared and we could not split it out. Councilmember Watson asked if it is negotiated each year. Mr. Dogan responded yes. Councilmember Watson asked what percentage discount did we get? Mr. Dogan responded around \$300,000. Councilmember Willis offered a motion to **Approve, 6 Yeas.**

TO EXECUTE RENEWAL NUMBER ONE (1) WITH NORTHROP GRUMMAN SYSTEMS CORPORATION FOR FC-5137

11-R-0754 (7) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to execute Renewal Number One (1) with Northrop Grumman Systems Corporation for FC-5137, Critical Safety Systems Support, for one (1) year beginning July 1, 2011 on behalf of the Department of Information Technology, in an amount not to exceed one million, nine hundred ninety-three thousand, four hundred twenty-eight dollars and no cents (\$1,993,428.00). All contracted work to be charged to and paid from Fund, Department Organization and Account Number 2151 (Emergency Telephone System Fund) 240207 (APD E911) 5213001 (Consulting/Professional Services-Technical) 3800000 (E911); and for other purposes.

FAVORABLE

Mr. Dogan stated that this is for E-911 services. There is a savings of 2% to 3%. Chairperson Adrean stated that she appreciates that they are brought forward before they expire. Councilmember Wan offered a motion to **Approve, 6 Yeas**.

TO EXECUTE A SOLE SOURCE AGREEMENT WITH BURNETT LIME COMPANY

11-R-0755 (8) A Resolution by Finance/Executive Committee authorizing the Mayor to execute a Sole Source Agreement with Burnett Lime Company, Incorporated for CAL-FLO Lime Slurry at the Chattahoochee and Hemphill Treatment Facilities, on behalf of the Department of Watershed Management, in an amount not to exceed two hundred fifty-two thousand, nine dollars and fifty-eight cents (\$252,009.58); all contract work shall be charged to and paid from Fund Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 170404 (DWM Water & Treatment Complex-Chattahoochee) 5311003 (Chemicals) 4430000 (Treatment)-\$161,901.58, 5051 (Water & Wastewater Revenue Fund) 170405 (DWM Water Treatment Complex – Hemphill) 4430000 (Treatment)-\$90,108.00; and for other purposes.

FAVORABLE

Interim Commissioner White stated that Burnett Lime Company is the Sole Source of the CAL-FLO slurry. Councilmember Willis offered a motion to **Approve, 6 Yeas**.

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

11-R-0756 (9) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Cooperative Purchasing Agreement pursuant to Article X Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances utilizing the Georgia Environmental Finance Authority Contract Number ECM-226 for the Design and Construction of Interior and Exterior Lighting Retrofits for City of Atlanta Water Treatment Plants with E. Sam Jones Distributor, Inc., on behalf of the Department of the Executive Offices, Division of Sustainability, in an amount not to exceed one million, seven hundred thousand dollars and no cents (\$1,700,000); all contracted work shall be charged to and paid from Fund 2501 (Intergovernmental Fund) 040301 (Exe COO) 5413002 (Building Improvements) 1320000 (Chief Executive) 04210643 (EECB) 250131886 (EECB); and for other purposes.

FAVORABLE

Chairperson Adrean asked if this includes all costs. Mr. Hosken responded that this is for the purchase of the equipment. It covers the purchase up front. The Department of Watershed Management will repay the Sustainability Fund. Chairperson Adrean stated that there will be a build out of projects. Should it be an Enterprise Fund? She is wondering about the structure. Mr. Hosken responded that we have met with Finance, Grants Management and Budget. We have looked up setting up a Trust Fund and legislation will be created to transfer the funds. CFO De Foor added that is correct we have had meetings and she is comfortable with the structure. It is a little bit administratively burdensome. We will involve Grants Management this time. We were concerned and requested that the Department of Energy sign off on it. Chairperson Adrean asked the CFO if she has talked to others about their structures such as using Trust Funds. CFO De Foor responded that she did not check with any, but is happy to report back. Chairperson Adrean asked about the people infrastructure, what is the indirect cost the City will absorb. Mr. Hosken responded that a lot of the transactions will be automated debits on a quarterly basis. We have the staffing at the moment to do the reporting. We will look at some of the money repaid to be associated with that. We have grant funding for this year's budget. Chairperson Adrean asked what will happen next year. CFO De Foor responded that she will look for an answer because we do have sustainability projects ongoing. Councilmember Martin asked what is the plan that shows the phases about capturing rain water? There was supposed to be a way of generating funds from it. Where is the master plan that shows phases and funding the cycle? Mr. Hosken responded that pages 5, 6 and 7 are projects that are currently on the way. Page #8 shows 33 active projects and many will be completed in 12 months and some may have a longer lifecycle. We will see if we have funding to continue to pursue them. Councilmember Martin stated that rain water has no funding, but the waste plan has \$100,000 in it. Why is it such a low priority? Mr. Hosken responded that we are putting in a permit fee to cover the wastewater treatment. About six residents have approached us about it. Councilmember Martin asked about the robust marketing. He assumes that you decided which one to fund. By 2012 will all of the funding be in place. Mr. Hosken responded that the programs will provide the savings. We are looking for up to \$4 million dollars in investments for \$600,000 annually in savings. Councilmember Martin asked if the general fund will pick up the operating cost. Mr. Hosken responded that would be a broader conversation with Council. The energy projects will yield the most. They will generate an economic return to the City. Councilmember Martin asked when will you become the Director. Mr. Hosken responded that it is up to the Mayor. Councilmember Martin asked where were you recruited from. Mr. Hosken responded that he did some consulting work for the City following the receipt of his MBA from Emory University. Councilmember Willis stated that the information he is giving you right now is FYI. It is important and helpful to get buy-in from Council. You are saying that this is what you are doing. Chairperson Adrean asked if this paper is to accept the money of \$1.7 million dollars and pay it back with savings. Mr. Hosken responded yes. Councilmember Watson offered a motion to **Approve, 7 Yeas.**

TO PROPOSE THE CREATION OF THE SOUTHWEST ATLANTA COMMUNITY IMPROVEMENT DISTRICT

11-R-0771 (10) A Resolution by Councilmembers H. Lamar Willis, Keisha Lance Bottoms and Aaron Watson proposing the creation of the Southwest Atlanta Community Improvement District as authorized by the General Assembly of the State of Georgia in the Atlanta Community Improvement District Act, contingent upon the consent of the majority of the owners of real property within the District boundaries; and for other purposes.

HELD

TO AMEND ARTICLE VII DIVISION II OF CHAPTER II

- 10-O-0774 (1) An Ordinance by Councilmembers H. Lamar Willis and Alex Wan to amend Article VII Division II of Chapter II of the Code of Ordinances of the City of Atlanta so as to provide that it shall be unlawful for any City Officer or Employee to knowingly and willfully withhold information, make false or misleading statements or to give untrue testimony before any of its standing Committees; to provide that any Officer or Employee who is found to have violated this Provision shall be dismissed from the employ of the City; and for other purposes. **(Held, 4/28/10)**

HELD

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

- 10-O-0874 (2) An Ordinance by Finance/Executive Committee amending Chapter 114, Article IV, Division 12, Section 114-379 of the City of Atlanta Code of Ordinances entitled "Layoff or Reduction In Force" so as to provide for the use of the Veterans Preference authorized by Section 114-207 during the calculation of retention points; and for other purposes. **(Held, 6/2/10)**

HELD

TO CREATE A PARKING PASS PROGRAM

- 10-O-1733 (3) An Ordinance by Councilmembers Michael Julian Bond, Joyce Sheperd, Aaron Watson, Keisha Lance Bottoms, H. L. Willis, Ivory Lee Young, Jr., C.T. Martin, and Yolanda Adrean authorizing the Mayor or his designee to create a Parking Pass Program for all duly appointed members of City Boards and Commissions; and for other purposes. **(Held, 9/29/10)**

HELD

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA

- 10-O-1739 (4) An Ordinance by Councilmember Natalyn Mosby Archibong to amend the Charter of the City of Atlanta, Georgia, 1996 Ga Laws P. 4469 et seq. adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq. as amended, by amending Part 1 (Charter and Related Laws), Subpart A, (Charter), Article III (Executive), Chapter 3 Entitled (City Departments), Section 3-305 of the City of Atlanta's Code of Ordinances by adding a new Sub-Paragraph (d); and for other purposes. **(2nd Reading, 1st Adoption, 9/29/10); (3rd Reading, Final Adoption, Substituted as Amended and Held, 10/13/10 by Committee for additional information)**

HELD

TO CONCERN THE FUTURE OF REGIONAL TRANSIT

- 10-R-1869 (5) A Resolution by Atlanta City Council of the City of Atlanta, Georgia concerning the future of Regional Transit under the 2010 Transportation Investment Act. **(Held, 10/27/10)**

HELD

TO TRANSFER \$143,443.70

- 11-O-0103 (6) An Ordinance by Councilmember Felicia A. Moore to transfer one hundred forty three thousand four hundred forty three dollars and seventy cents (\$143,443.70) from the District 9 Councilmember Non-Department Expense Account Fund to the Department of Public Works to be used to construct sidewalks, driveways curbs and gutters for the Simms Avenue and Johnson Road Curbing Projects and the Bolton Road/Marietta Boulevard Intersection Project; and for other purposes. **(Held, 2/2/11)**

HELD**TO AMEND THE FISCAL YEAR 2011 NORTHWEST ATLANTA (PERRY/BOLTON) FUND BUDGET**

- 11-O-0269 (7) An Ordinance by Finance/Executive Committee to amend the Fiscal Year 2011 Northwest Atlanta (Perry/Bolton) Fund Budget by amending Ordinance 10-O-0901 to anticipate and appropriate Tax Allocation Increment in the amount of \$4,500,000.00 from the City of Atlanta Northwest Atlanta (Perry/Bolton) Tax Allocation District for the purpose of constructing and equipping a new Northwest Atlanta fire Station, a mini-police precinct, and a community assembly room ("Fire Station 28 Project"); and for other purposes. **(Held, 3/16/11)**

HELD**TO ENTER INTO A CONTRACTUAL AGREEMENT WITH KPMG LLP**

- 11-R-0376 (8) A **Substitute** Resolution by Finance/Executive Committee authorizing the City of Atlanta Internal Auditor to enter into a Contractual Agreement with KPMG LLP, for FC-5065, City of Atlanta Financial Statement Audit, in an amount not to exceed one million two hundred sixty thousand dollars (\$1,260,000.00); all contracted work shall be charged to and paid from Fund, Department, Organization and Account: 1001 (General Fund) 200101 (NDP Reservation of Funds) 5212001 (Consulting/Professional Services) 1512000 (Accounting) \$420,000; 5051 (Water and Wastewater Revenue Fund) 290101 (Audit Administration) 5212001 (Consulting/Professional Services) 1512000 (Account) \$420,000; 5501 (Aviation Revenue Fund) 290101 (Audit Administration) 5212001 (Consulting/Professional Services) 1512000 (Account); and for other purposes. **(Held, 3/16/11); (Favorable, 3/30/11); (Referred back by Full Council, 4/18/11); (Held, 4/27/11)**

HELD

Councilmember Watson stated that we asked questions that have not been answered. We never had a good explanation as to why to choose the highest bidder. No one came forward with the right numbers. He opposed the notion to do this. This decision has been directed by staff. Councilmember Moore asked do you know what the difference is? Councilmember Watson responded in the contract it is \$850,000. CFO De Foor added that an e-mail was sent out on yesterday by her Executive Assistant. Councilmember Watson stated that number was substantially overstated. CFO De Foor responded that the base audit was \$855,000 in 2010. E-911 was another was \$10,000, the mandated Solid Waste report was \$9,500, the MOST report was \$9,500, a separate Watershed report was \$17,500. In 2009, the other additional billing total was \$984,000. It is getting to the point where we need to make a decision. She has some recommendations with improving the process. We are in danger of missing some of our

regulatory filings. About six weeks ago there were questions asked about invoices because of complications with our storage company, but they are now available. It is in the best interest of the City to Approve. With the expanded scope she is getting concerned. The process may not have been perfect, but she stands behind it.

Mr. Adam Smith: Chief of Procurement addressed the Committee by stating that he is the keeper of the process. There is nothing wrong from the procurement process. He has not received one single protest or an indication of one. He stands behind it fully. This procurement is not flawed. CFO De Foor responded that she was just saying that any process can be improved, but we abided by the process in place by the City. If she misspoke she apologizes and she agrees with Mr. Smith. Mr. Smith stated that not everybody can win a procurement. Only one team can win. Councilmember Watson stated that he is not talking about little details of the procurement. Fundamentally, it is flawed. Since the time of Enron, organizations and large governments had it ran by the Audit Committee. We are stuck with a bad outcome for five years. Councilmember Moore stated that the document that Councilmember Watson gave her is referring to an Audit Committee by the governing body. Councilmember Watson stated that we could have an Audit Committee but we have neglected to delegate that. Councilmember Moore stated that it also talks about working in conjunction with the Internal Auditor and the External Auditor. In this instant the document does not apply. Councilmember Willis stated that it sounds like the Committee is ready to move. He offered a Substitute motion to **Hold, 2 Yeas, 4 Nays**. Councilmember Wan offered a motion to **Approve, 4 Yeas, 2 Nays (Watson and Willis)**. Chairperson Adrean stated that she would join Councilmember Watson with changing our processes. Councilmember Willis stated that if we don't agree with long term agreements we have an obligation to do something about it at the front end. We have the ability to put in processes.

TO SUBMIT THE PERFORMANCE AUDIT REPORT

11-C-0553 (9) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding the Assessment of Federal Recovery Act Grants Controls. **(Held, 4/27/11)**

FILE

Ms. Leslie Ward: Internal Auditor addressed the Committee by stating that this report is regarding the Federal Recovery Act Grants. We have in this report objectives and controls. This report relies on a formal questionnaire from various Departments as well as interviews for specific documents. There are numerous requirements established in the Recovery Act and they are listed on page #2 and #3. The total the City received in Recovery Act Grants was \$89 million dollars. This is the second report that we have done. The first one was limited to specific Grants for the International Terminal such as construction. We noticed the controls were centralized. There was not enough central oversight of the Grants Citywide. We recommended that the Procurement and Law Departments develop contracting procedures and guidance. The overall conclusions that there were controls in place for spending and recording at the back end as required. There was a requirement in the Stimulus Grant that all Agencies receiving Grants were to report jobs, etc. at the end of every quarter. We found that Departments followed processes in place for timesheets, invoices, etc. The basic procurement was followed on a fixed rate price and was competitively bidded contracts. Everything we looked at was a fixed priced. We found controls to ensure that recording obligations was at every quarter. Some of the Grants are purchasing capital assets and they will remain with the City. We have a graph attached with the controls in place. We found some areas of improvement. Most of the stimulus money has been awarded. We found that most Departments did not know how to identify fraud. We found that Law did not provide guidance. We recommended that the Department of Aviation post signs at construction sites. We noticed that some signs went up in City elevators. Most of the requirements did not provide protection for the contracts. Those contracts were in Public Works and there was one Sustainability Grant. The State required provisions. There were other requirements that were not always met such as the Davis Bacon

Provisions, etc. There was one case where the Sustainability Grant went to an existing contractor and they did not have a separate Agreement. Many of the Grants are reimbursements so they couldn't be drawn down so we should have had more monitoring. There was an administrative mistake where you are not supposed to use grant money for administrative grants to cover other grants. Finally, we are funding some personnel primarily Police Officers. We made a number of recommendations. We directed some discussions with the Department of Finance and gave recommendations to the CFO to see increased monitoring and guidance from the Office of Grant Services. We hope to see more grants management from the Department of Finance. CFO De Foor responded that we discussed if it is outlined in the Code and Charter. Right now the language is absent for oversight. We will make better use of the people we have. Chairperson Adrean asked how does the Department of Finance and the Mayor's Office work together? CFO De Foor responded that the Department of Finance, Grants Management, is budgeting, accounting and recording. Recently, the oversight was transferred from the Mayor's Office to Finance in response to this audit. It goes to having a centralized Citywide grants management function. Ms. Ward stated that there is some active management going on with the stimulus grants in the Grants Management Office. There needs to be consistent guidance. She has seen several federal reviews about grants. The stimulus is not just limited to the Recovery Act, but grants in general. Chairperson Adrean asked if the expired grants from 2010, such as the Atlanta Workforce Development's of \$3.9 million dollars. Has money been spent on time?

Ms. Lisa Johnson: of the City's Audit Office addressed the Committee by stating that AWDA money is spent in a timely manner. The money is gone. CFO De Foor added that Grant Services is monitoring the grants and the Director provides a percentage of spent funds. When it is not spent, staff will work with the Agency. Chairperson Adrean offered a motion to **File, 6 Yeas.**

TO ENTER INTO AMENDMENT NUMBER 8

11-R-0509 (10) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into Amendment Number 8 to add the site and funding for the Atlanta Journal Constitution Building (AJC) on behalf of the Executive Office-Office of Enterprise Assets Management with Dothan Security, Inc., (DSI) for FC-6005007888B, Citywide Security Guard Services on behalf of the Executive Offices-Office of Enterprise Assets Management, in an amount not to exceed one hundred fifty thousand dollars (\$150,000.00). All contracted work shall be charged to and paid from Fund 5051 (Water and Wastewater Revenue Fund), Department 170100, Account 5222003, Function Activity 1512000, and for other purposes. **(Held on Substitute, 3/30/11)**

FILE

TO ENTER INTO A MEMORANDUM OF UNDERSTANDING

11-R-0644 (11) A Resolution by Finance/Executive Committee authorizing the Division of Sustainability and the Department of Aviation to enter into a Memorandum of Understanding for the purpose of memorializing an Agreement for the Division of Sustainability to Loan Funds to the Department of Aviation to Finance the Acquisition and installation of the Energy Efficient Lighting Project with a Project Administration rate of one percent (1%), in an amount not to exceed one million eight hundred thousand dollars (\$1,800,000.00); to be charged to and paid from Fund 2501 (Intergovernmental Fund) 040301 (Exe. COO) 5413002 (Building Improvements) 1320000 (Chief Executive) 04210643

(EECB) 250131886 (EECB); and for other purposes. **(Held, 4/27/11)**

FAVORABLE

Chairperson Adrean asked if the money is already in the bank. Mr. Hosken responded, yes. Councilmember Wan stated that he met with the Director at the Airport and this is a fascinating project. This was not something mandated and they did the test pilot on it. He believes that this is the direction they should be going. Chairperson Adrean asked for a legal opinion from the Law Department.

Ms. Mariangela Corales: Senior Associate City Attorney addressed the Committee by stating that we reviewed the Grant and Ordinances and it is in compliance. We checked with the Department of Energy and they said it was a great idea. Councilmember Watson offered a motion to **Approve, 7 Yeas.**

TO EXECUTE A CONTRACT WITH TURNKEY SOLUTIONS FOR FC-5207

11-R-0645 (12) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to execute a contract with Turnkey Solutions for FC-5207, City of Atlanta 311 Call Center Evaluation for three (3) months beginning June 1, 2011 on behalf of the Department of Information Technology, in an amount not to exceed two hundred fifty-one thousand, four hundred seventy dollars and no cents (\$251,470.00); all contracted work to be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050101 (IT CIO) 5410001 (Consulting/Professional Services-Capital Projects) 1535000 (Data Processing/Management Information System); and for other purposes. **(Held, 4/27/11)**

HELD

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

11-R-0647 (13) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1602 of the City of Atlanta Code of Ordinances, utilizing the Georgia Services Administration Contract #GS-00P-05-BSD-0362 with the Atlanta Gas Light Company for Natural Gas and Energy Management Services on behalf of the Division of Sustainability in an amount not to exceed seven million, nine hundred thousand dollars and zero cents (\$7,900,000.00); all contracted work shall be charged to and paid from Fund 1001 (General Fund), Department 040302 (Exe. Facilities Maintenance), Account 5312201 (UTIL, Natural Gas), Func. Act. 1565000 (Gen. Gov – Bldgs/Plants); and for other purposes. **(Held, 4/27/11)**

HELD

Mr. Hosken stated that it will be contracted out by Atlanta Gas and Light it is not grants funds. It is paid out by energy savings. Councilmember Martin asked about minority participation. Mr. Hosken stated that the federal contract would apply. Chairperson Adrean asked how long would it take the electric savings to take place? Mr. Hosken responded 15 years, around 5%. Councilmember Moore asked where is the loan pay back located or is it on a balance sheet? CFO De Foor responded that she will confirm it with the Outside Auditors. She is not familiar with the treatment. Councilmember Moore asked who will track the savings. Councilmember Wan offered a motion to Approve on Condition of understanding the accounting from the Finance Department. Mr. Hosken added that he may have omitted the account numbers. CFO

De Foor clarified what the conditions would be. It would not be her personally capturing the savings. She would confer with the Office of Sustainability. Councilmember Watson stated that this has been an Office with weakness regarding accountability. We want to verify the savings ourselves.

Ms. Jean Pullen: Mayor's Office of Sustainability addressed the Committee by stating that she is an Energy Engineer from Georgia Tech and she has been doing this for 25 years. She reviewed the analysis from Atlanta Gas and Light. We are excited with having it certified. She will verify the meter daily. Chairperson Adrean asked who is on the hook for the money. Ms. Pullen responded that the estimate of the savings is around \$700,000. Councilmember Watson stated that we should be on the hook because we are finding a way to get repairs to our building needs. Ms. Pullen responded that we are facing emergencies in the future, such as the roof. We will be reducing the chiller, etc. Councilmember Willis reiterated who is on the hook. Ms. Pullen responded that we are. Councilmember Willis stated that you said that if we wanted to litigate our risk we could pay \$700,000. Mr. Hosken responded that if we added an additional \$700,000 to the cost we would be cash flow negative for the next few years. Councilmember Willis asked what would the \$700,000 be for? Mr. Hosken responded that they would go ahead and do the underwriting and take insurance policies to compensate the City. We are expecting energy prices to rise. Councilmember Willis offered a Substitute motion to **Hold**. CFO De Foor responded that the analysis would need to include health and welfare considerations. Chairperson Adrean asked for a report regarding the life of a chiller. Chairperson Adrean went over the conditions. She wants it brought back at the next meeting.

TO ISSUE A TASK ORDER

11-R-0648 (14) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to issue a Task Order to Brown and Caldwell/Delon Hampton and Associates, Chartered, a Joint Venture for FC-4906D-Architectural Engineering and Design for the Construction and Renovation of the Atlanta Police Department Crime Lab, in an amount not to exceed two hundred twenty thousand seven hundred sixty-eight dollars and zero cents (\$220,768.00); all work shall be charged to and paid from 7701 (Trust Fund), Department Org 240101 (APD Chief of Police), Account 5413002 (Building Improvements), Function Activity 1320000 (Chief Executive), Project Award 600231 (Federal - RICO), Funding Source 69999 (Non-Capital); and for other purposes. **(Held and Substituted to change FDOA, 4/27/11)**

FAVORABLE ON SUBSTITUTE

Chairperson Adrean stated that we have a Substitute to change the FDOA.

Mr. Shaun Jones: Deputy Chief of the Police Department addressed the Committee by stating that this is for the design and construction of the Crime Lab at the Public Safety Annex. Chairperson Adrean asked how much is the Crime Lab and is the money identified. Deputy Chief Jones responded Phase 1 is \$1.2 million dollars. Chairperson Adrean asked if there is money for the design and construction. CFO De Foor responded that she would provide the details. Deputy Chief Jones stated that Phase 1 is ballistics and Phase 2 is marijuana testing and DNA testing is included. We do the DNA now in-house. All of the other crime lab functions will be moving into the Public Safety Headquarters. Councilmember Shook offered a motion to **Approve on Substitute, 4 Yeas**. CFO De Foor clarified that the amount is \$5.6 million dollars.

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

11-R-0651 (15) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et. seq. of Article X of the

City of Atlanta Code of Ordinances, utilizing Western States Contracting Alliance/National Association of State Procurement Officials Contract Number B27160 with Dell Marketing, L.P., for various items of General Purpose Commercial Information Technology Equipment, Software, and Services for one (1) year on behalf of the Department of Information Technology in an amount not to exceed one hundred thousand dollars and no cents (\$100,000.00) under a Blanket Purchase Order; all contracted work shall be charged to and paid from Fund, Department Organization and Account Numbers set forth below. **(Held, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0653 (16) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0010 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing National IPA #073103-01 with Panasonic Solutions Company for Toughbooks, Tablets, Accessories, and Services for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed three hundred thousand dollars and no cents (\$300,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substitute, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0654 (17) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0014 pursuant to Section 2-1601 et. seq. to the City of Atlanta Code of Ordinances, utilizing Federal GSA Contract #GS-35F-0429P with Barcodes, LLC for IT Equipment and Services for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed one million dollars and no cents (\$1,000,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO CITYWIDE A COOPERATIVE PURCHASING AGREEMENT

11-R-0655 (18) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into Citywide a Cooperative Purchasing Agreement Number COA-0008 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing U.S. Communities Contract #RQ09-99736-42B with Insight Public Sector, Inc. for Technology Products/Equipment and Technology Services/Solutions for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed two million five hundred thousand dollars and no cents (\$2,500,000.00); all contracted work shall be charged to and paid from previously appropriated Fund,

Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0656 (19) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0002 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing National IPA Contract #083052-01 with CDW-G for software, software licensing, maintenance, hardware, peripherals, and services for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed four hundred thousand dollars and no cents (\$400,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Number: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0657 (20) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0015 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing State of Georgia Contract #SWC764 with Dell Marketing, LP for Computer IT Software for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed six hundred thousand dollars and no cents (\$600,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0658 (21) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0011 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing National IPA Contract #P10-004 with National Office Furniture, Inc. for office furniture for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed four hundred thousand dollars and no cents (\$400,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0659 (22) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0016 pursuant to Section 2-

1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing State of Georgia Contract #SWC60748 with various Vendors for Office Furniture for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed six hundred thousand dollars and no cents (\$600,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0660 (23) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0004 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing National IPA Contract #618-000-11-1 with Office Depot for Office Supplies for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed eight hundred thousand dollars and no cents (\$800,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Number: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0661 (24) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into Citywide a Cooperative Purchasing Agreement Number COA-0006 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing U.S. Communities Contract #05091 with Home Depot for building materials, maintenance repair, and operational supplies for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed five hundred thousand dollars and no cents (\$500,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0662 (25) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0012 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing National IPA #083004 with the Toro Company for Parks and Grounds Maintenance Equipment for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed one hundred fifty thousand dollars and no cents (\$150,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

- 11-R-0663 (26) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0001 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing U.S. Communities Contract #2007-118-3034 with Zep Manufacturing Company for Janitorial Supplies for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed seven hundred thousand dollars and no cents (\$700,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

- 11-R-0664 (27) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0009 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing U.S. Communities Contract #MA-IS-1140130-1 with Graybar Electric Company for Electrical Products, Equipment & Supplies for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed two hundred thousand dollars and no cents (\$200,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

- 11-R-0665 (28) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0005 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing National IPA Contract #090188 with Grainger for maintenance, repair, and operation supplies (MRO) for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed six hundred thousand dollars and no cents (\$600,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Number: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO CITYWIDE A COOPERATIVE PURCHASING AGREEMENT

- 11-R-0666 (29) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into Citywide a Cooperative Purchasing Agreement Number COA-0007 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing U.S. Communities Contract #05091 with HD Supply Facilities Maintenance, Ltd. for maintenance, repair, and operational supplies for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed seven

hundred thousand dollars and no cents (\$700,00.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO ENTER INTO A CITYWIDE COOPERATIVE PURCHASING AGREEMENT

11-R-0667 (30) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to enter into a Citywide Cooperative Purchasing Agreement Number COA-0017 pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances utilizing WSCA/NASPO Contract #'S 5-09-99-28, 5-09-99-29, 5-09-99-30, & 5-09-99-31 with Autozone, Boras, NAPA Auto Parts, & O'Reilly Auto Parts for light duty auto parts for two (2) years with three (3) one-year renewal options on behalf of the City of Atlanta in an amount not to exceed four hundred thousand dollars and no cents (\$400,000.00); all contracted work shall be charged to and paid from previously appropriated Fund, Department Organization and Account Numbers: (Various Accounts). **(Held and Substituted, 4/27/11)**

HELD

TO AMEND THE RETIREMENT BENEFITS

11-O-0672 (31) An Ordinance by Councilmembers Aaron Watson, Keisha Lance-Bottoms and H. Lamar Willis **as Substituted by Finance/Executive Committee, 5/11/11 (1)** to amend the retirement benefits offered by the City of Atlanta to its eligible active employees by: creating a new Section 6-2 to the City of Atlanta Charter, so as to provide a Uniform Employees for work performed on and after November 1, 2011; and placing a hard freeze on the General Employees' Pension Fund, Firefighters' Pension Fund and Police Pension Fund, so that Pension Benefits of Retirees remain unchanged and benefits accumulated by Active Employees as of October 31, 2011 remain unchanged; and for other purposes. **(Held, 4/27/11); (Finance/Executive Committee Substitute states changes in Sections #6 and #7, 5/11/11)**

HELD

Chairperson Adrean stated that this is definitive language for Disability and Survivors Benefits. Deputy City Attorney Andrews stated that the changes are in Sections #6 and #7.

Ms. Katrina Taylor-Parks: Mayor's Office Deputy Chief of Staff addressed the Committee by stating that this paper details and clarifies the changes from the original paper. Councilmember Moore asked for a strike-out or red line version. Mr. Aman responded that he would do a red line version. Councilmember Moore asked how many changes are there. Mr. Aman stated that there are two sets of changes. The 1st is structural. We cleaned up defined terms in the body of the documents. They are better structured in a cleaner way and it is in an easier format. The second set of changes is we put in the same Survivor and Disability Benefits that exists now. Our intent was to replicate the current benefits. We have had a number of questions about sick leave and annual leave and it is also in the changes. It is not different from the original one because it was not in there. Councilmember Moore asked if this document will still have two options. Mr. Aman responded that Council would pick one of them. We will be getting revised savings projections. We showed it with Open and Closed

Amortizations. We will show the savings now with Closed Amortizations. Councilmember Moore asked what is the Administration's time table? Mr. Aman responded by the end of June. Chairperson Adrean asked about piggybacking with an existing plan.

Ms. Robin Shahar: Senior Assistant City Attorney addressed the Committee by stating that the City would be joining with the Social Security plan. Chairperson Adrean asked if it is an administrative tool. Senior City Attorney Shahar responded that it allows local governments to go through the State of Georgia. Chairperson Adrean offered a motion to **accept the Substitute, 4 Yeas, 1 Nay (Moore).**

Mr. Nathan Jackson: addressed the Committee by stating that he sent out a pension plea for consideration. The Pension Board recommended that he come here and speak because it is in Council's hands. Do you feel that it is fair for a person who has vested 24 years to only receive 13% of his salary? His plea is to add an additional clause for employees affected by the economic conditions to be exempted. He is asking to amend it as an option. His plea is for a special condition.

Ms. Angela Green: addressed the Committee by stating that citizens don't come here because of parking. You care more about trees than employees. 401(k) and 457 plans are tied to stocks. You have no respect for the employees. We are treated like little dogs. People have been here for years, but when you are in trouble you lay them off. It is an issue to mistreat people. The money for pension comes out of our check before we receive it. Before you sign anything, please check the information first. She ask that you do due diligence. As far as Riffing, the last one hired should be the first one fired. She is unhappy with the way the City is run.

Ms. Phyllis Hall: addressed the Committee by stating that she has been with the Water Department for fifteen years. In 1999 she was riffed from United Water. When she came back to Watershed Management she was told to pay back \$15,000 when she only received \$2,000 (what she had put in).

Mr. Maceo Williams: a member of APAB and the Citizen Review Board addressed the Committee by stating that when he was with the State he worked with pension plans for public safety, correction and law enforcement. He found some nice 20 and 25 years and out pension plans. He thinks you should go across the board and not just certain groups. Concluding, he stated that the Citizen's Review Board needs some money too.

Mr. James Daws: Captain of Fire and Rescue addressed the Committee by stating that he wanted to thank the Administration for the survivor and disability benefits because the intent is in good favor. This needs to be flushed out more. Section 6 has language addressing the long term disability. He sees no reason to put an arbitrary on Grade 18 and above. There are two long term disability plans in the current pension. He sees no language in transferring the catastrophic benefits. Section 7 should include Grade 18 and above. Chairperson Adrean asked Captain Daws to put it in a memorandum. Captain Daws stated that in the original paper Section 3 had a Management Committee to govern the plans. Senior Assistant City Attorney Shahar stated that page #8, paragraph #12 states that employees will be in charge of their own fund. Captain Daws stated that we need some kind of governance structure that has checks and balances. Mr. Aman responded that the Management Committee is an administrative function to ensure that there is a third party administrator. Councilmember Moore stated that the original document has the DB and DC plans that were mentioned under the Management Committee. The Substitute has taken DB out. Captain Daws responded that an article was sent from the Police panel several years ago that states that there is lack of participation because of the structure of the plan. Chairperson Adrean stated that we are Holding this paper and we need to get through the rest of the Agenda. Captain Daws asked that the plans provide equal representation. **Held and Substituted, 3 Yeas, 1 Nay.**

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA 1996 GA. LAWS P. 4469

11-O-0673 (32) An Ordinance and Charter Amendment by Councilmembers Howard and Ivory Lee Young, Jr. to amend the Charter of the City of Atlanta, Georgia 1996 Ga. Laws P. 4469, et seq., adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq., as amended, by amending Part 1 (Charter and Related Laws), Subpart A (Charter), Article III (Executive), Chapter 5 (Civil Service System), Section 3-507 (Modification of Pension Plans), so as to modify language that improperly delegates Legislative Authority; and for other purposes. **(1st Reading, 4/27/11); (Referred from Full Council to Finance/Executive Committee, 3rd Reading, Final Adoption); (Finance/Executive Committee Amendment states (attached) ..., 5/11/11)**

HELD AND AMENDED

Chairperson Adrean stated that this is the 3rd Reading. Councilmember Wan asked if we made the Amendments. Chairperson Adrean stated that we did a Substitute for 45 days for the pension to respond. Councilmember Moore stated that this says final adoption. Has it been advertised? Councilmember Martin stated that it was supposed to be advertised by the June 20th meeting.

Mr. Larry Stokes: Research and Policy Analyst addressed the Committee by stating that it can be adopted on June 6th or June 20th. You can Hold it pending the advertisement. Councilmember Martin offered a motion to Hold.

Captain Jim Daws: of Fire and Rescue Department addressed the Committee by stating that he speaks against this paper. The Charter currently advises for the nonbinding advisory recommendation from the governing board. We see no need to remove the advisory board. We want Council to continue to receive their recommendation and give consideration. Councilmember Moore stated that she had the same concerns. The Administration had notice in their original paper. The only thing that changed is the 45 days for a recommendation. Captain Daws responded that the Pension Board may be on a recess or may not meet that month. He urges some language that would allow for that. It is more appropriate than putting them on arbitrary constraints. Councilmember Moore asked if we leave it at 45 days and say it is Christmas time, what happens.

Mr. Peter Andrews: Deputy City Attorney addressed the Committee by stating that there are few chances for something not to happen in 45 days. Pension Boards only have interest in administrative invested interest. Council comes up with the laws and how it applies. Pension Boards don't have a vested interest in the laws. This is based on the judgment from the lawsuit that was filed. Mr. Daws stated that the Pension Board is made up from the employees and elected officials and they have eminent knowledge of the administrative fund. To act on legislation that would diminish that role is a bad idea. This is to keep the boards from blocking the reformed pension legislation. This is a vote of no confidence and ability of the pension boards to do their jobs. Councilmember Moore asked if in the event to allow the flexibility for Council to allow more time, is there a way to put it in the legislation. Is there an ability to extend it? Deputy City Attorney Andrews responded that there is a way to amend it. Councilmember Moore stated that it would be a vote from Council. Deputy City Attorney Andrews responded that an Ordinance with an additional Section can be done. Councilmember Moore stated that a lot of things can happen. Mr. Stokes responded that is why he wanted to wait to advertise it. A Substitute could be brought back to Council. Captain Daws responded that is helpful. He wants to review the Amendment first and comment afterward. Deputy City Attorney Andrews read the Amendment (attached). Councilmember Moore offered a motion to **Approve as Amended, 4 Years**. Captain Daws stated that pension modifications were put in place for checks and

balances. They do their jobs with no pay. This will take away their ability to make recommendations. We do not support this amendment because it takes away their nonbinding recommendations. Deputy City Attorney Andrews responded that it doesn't take it away. In 2005, the advice was clarified and no one could come with a lawsuit if they don't make a decision. We are trying to put the City in a non-litigated situation. Ms. Green stated that Council has always had an input. Councilmember Moore offered a motion to **Hold as Amended, 4 Yeas.**

ITEMS NOT ON AGENDA

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

11-R-0785 (1) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, for FC-5274, Cooperative Purchasing Agreement for Citywide Armed and Unarmed Security Guard Services, utilizing Contract Number 11ITB75041YB-BR between Fulton County and Norred & Associates at various designated city properties on behalf of Executive Offices-Office of Enterprise Assets Management in an amount not to exceed \$3,262,990.00. All contracted work shall be charged to and paid from the below referenced accounts listed herein, for the remainder of Fiscal Year 2011 and in Fiscal Year 2012, subject to the appropriations of funds therefore; and for other purposes. **(Finance/Executive Committee Conditional passage of receiving further analysis, 5/11/11)**

FAVORABLE ON CONDITION

Chairperson Adrean asked if all of the accounts are okay. CFO De Foor responded, yes. Mr. Bennett stated that the current contract expires on May 27th. Councilmember Wan asked to get a list of the scope of work and the facilities as well the rates. Mr. Bennett responded that we currently pay \$10.64, but this deal is \$10.79. Mr. Riddle responded that he will get something more official. It includes all Neighborhood Centers, City Hall, Municipal Courts, etc. Councilmember Wan offered a motion to **Approve on Condition of receiving further analysis, 4 Yeas.**

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

11-R-0786 (2) A Resolution by Finance/Executive Committee authorizing the Mayor or his designee to enter into a Cooperative Purchasing Agreement to be designated as formal Contract Number 5231, Co-Operative Purchase for City of Atlanta Website Redesign, Development & Implementation Plan, pursuant to Section 2-1601 et seq. of the City of Atlanta Code of Ordinances, utilizing Contract Number 2010-5203 between City of Greensboro, North Carolina and Vision Internet Providers, Inc. for three (3) years beginning June 1, 2011 on behalf of the Department of Information Technology in an amount not to exceed \$76,801.00 per year for a total contract amount of \$230,403.00; all contracted work shall be charged to and paid from the FDOA Numbers listed; and for other purposes. **(Finance/Executive Committee Conditional passage of getting the Substitute on Monday, 5/11/11)**

FAVORABLE ON CONDITION

Mr. Dogan stated that we wanted to make a small modification. We want to bring the Substitute forward. Councilmember Moore asked how is it split out? Mr. Dogan responded that the intent with the contractor was to spread it out through a three year

period. Councilmember Moore offered a motion to **Approve on Condition of getting the Substitute on Monday, 3 Yeas, 1 Nay.**

Chairperson Adrean stated that President Mitchell sent a memo regarding a Proposed Pension Reform Work Session on Monday May 23rd at 1:00 p.m. Councilmember Moore asked if he put in some action responses. It seems that the Committee needs to make decisions on what they want to do. Chairperson Adrean asked if there could be a Sub-Committee. If anyone wants to be on it, please e-mail her. Councilmember Moore stated that the Council has not committed to a process. Chairperson Adrean stated that she disagrees. We know that we have limited timeframes to fit the meetings into our schedule. We have had experts come to the meetings. Councilmember Moore stated that this Committee or Council needs to have a process of the timeframe. We need to come up with some solutions.

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Joya C. De Foor, CFO
Secretary

Charlene Parker
Recording Secretary

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