

ATLANTA CITY COUNCIL

ACTION/MINUTES

JULY 05, 2011

The Atlanta City Council held its Regularly Scheduled Meeting on Tuesday, July 05, 2011, due to the 4th of July Holiday. The Meeting convened at 1:13 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

PRESIDER (S): The Honorable Council President Ceasar C. Mitchell presided.

Attendance:

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

The Honorable Carla Smith	The Honorable Felicia A. Moore
The Honorable Kwanza Hall *1:31	The Honorable C. T. Martin
The Honorable Ivory Young, Jr.	The Honorable Keisha Bottoms *1:41
The Honorable Clela Winslow *2:29	The Honorable Joyce M. Sheperd
The Honorable Natalyn Archibong *1:54	The Honorable Michael J. Bond
The Honorable Alex Wan	The Honorable Aaron Watson *1:50
The Honorable Howard Shook	The Honorable H. Lamar Willis *2:53

Councilmember Yolanda Adrean was (Absent with Notice) absent.

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

INVOCATION: Elder Bernice King gave the invocation.

PLEDGE OF ALLEGIANCE: In unison, the Council recited the Pledge of Allegiance to the flag of the United States of America.

REPORT OF THE JOURNAL: Rhonda Dauphin Johnson, Municipal Clerk, certified to the Council and the Committee on Council that the **Action/Minutes** of the **June 20, 2011** Regular Meeting and the **June 23, 29 and 30 2011** Special Called Meetings are true and correct. The Minutes were **FILED** without objection.

ADOPTION OF AGENDA: A Motion was made to **Adopt the Agenda**. It was properly Seconded and **CARRIED** by a roll call vote of **11 yeas; 0 nays**.

EXECUTIVE SESSION: After the report of the final Standing Committee, **Chairperson Moore of Committee on Council**, made a Motion to enter **Executive Session** to discuss personnel matters. It was properly Seconded and the Motion **CARRIED** by a roll call vote of **14 yeas; 0 nays**. Council entered Executive Session. Returning back from Executive Session, a Motion was made to **re-enter Regular Session**. It was properly Seconded and the Motion **CARRIED** by a roll call vote of **13**

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yeas; 0 nays. Council then re-entered Regular Session and Chairperson Moore thus ended her report of Committee on Council.

COMMUNICATIONS

Council President Ceasar C. Mitchell Presided

COMMUNICATIONS

11-C-1002 (1) A Communication by **City Auditor Leslie Ward** submitting the Performance Audit Report regarding the Public Works Fleet Services Inventory Controls.

FILED WITHOUT OBJECTION

11-C-1005 (2) A Communication by **Councilmembers Felicia A. Moore, District 9; C. T. Martin, District 10 and H. Lamar Willis, Post 3 At-Large** re-appointing Ms. Rhudine Crawford to serve as a member of the Water and Sewer Appeals Board, scheduled to begin on the date of Council confirmation.

REFERRED TO CITY UTILITIES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION

VETOED LEGISLATION

Council President Ceasar C. Mitchell Presided

VETOED LEGISLATION

NONE

UNFINISHED BUSINESS

Council President Ceasar C. Mitchell Presided

UNFINISHED BUSINESS

NONE

**CONSENT AGENDA
SECTION I**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA

There was no separate discussion of the following items with the exception of items 11-R-0929, 11-O-0996, 11-O-0988, 11-R-0892 and 11-O-0918 which were removed from the Consent Agenda, and considered separately per Rules for the Conduct of Business of the Council of the City of Atlanta (As Amended), Rule XI; Order of Business, SECTION 11.2; Consent Agenda.

The initial vote of Consent Agenda Section I was 12 yeas; 0 nays. However, later during the meeting, a Motion to Reconsider the Consent Agenda was made. It was properly Seconded and CARRIED by a roll call vote of 14 yeas; 0 nays. Consent Agenda Section I was before Council. Ordinance 11-O-0918 was then removed Without Objection. Subsequently, the Motion to Adopt Consent Agenda Section I CARRIED by a roll call vote of 13 yeas; 0 nays.

The following CONSENT AGENDA SECTION I received a Favorable Recommendation and was Adopted in accordance with Section 11.2 by the following roll call vote: **13 Yeas:** Councilmembers Smith, Hall, Young, Winslow, Archibong, Shook, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis; **0 Nays.**

SECTION I

ORDINANCES FOR SECOND READING

TRANSPORTATION COMMITTEE

KEISHA LANCE BOTTOMS, VICE-CHAIR

11-O-0918 (1) An Ordinance by **Transportation Committee** to amend the FY 2011 [Airport Renewal and Extension Fund (5502), the Airport Passenger Facility Charge Fund (5505), the 2004 (Airport Revenue Bond Fund) (5507), the 2004 (Airport PFC Bond Fund) (5508), and the 2004 (Airport Revenue Bond Fund F-K) (5509)] Budgets by transferring to and from appropriations a total amount of \$7,952,117.00 for reimbursement of the Renewal and Extension Fund, a total amount of \$237,041.00 for reimbursement of the 2004 (Airport Revenue Bond Fund), a total amount of \$483,284.00 for reimbursement of the 2004 (Airport Revenue Bond Fund F-K); and for other purposes.

The above ordinance was removed from the Consent Agenda by request of Councilmember Martin.

SEE TRANSPORTATION COMMITTEE REPORT

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

CITY UTILITIES COMMITTEE

NATALYN M. ARCHIBONG, CHAIR

11-O-0897 (2) An **Amended** Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2012 Budget (DWM 2004 Water & Wastewater Bond Fund (5058)) Budget, in the amount of \$17,631,571.36; to transfer funds for realignment from R. M. Clayton Flood Repair Project to the Capital Projects Reserve for Appropriations; and for other purposes.

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

11-O-0898 (3) An Ordinance by **City Utilities Committee** authorizing the Mayor, on behalf of the Department of Public Works, to enter into an Encroachment Agreement for Non-Conforming Uses with the William Oliver Condominium Association, Inc., owner of real property located at 32 Peachtree Street, NW for the purpose of permitting an existing basement which presently extends into the public right-of-way; to waive the applications fee and yearly inspection fees; and for other purposes.

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

11-O-0899 (4) An Ordinance by **City Utilities Committee** authorizing the Mayor, on behalf of the Department of Public Works, to enter into an Encroachment Agreement for Non-Conforming Uses with the Bank Building, LP, owner of real property located at 55 Marietta Street, NW, for the purpose of permitting an existing basement which presently extends into the public right-of-way; to waive the applications fee and yearly inspection fees; and for other purposes.

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

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JOYCE SHEPERD, CHAIR

11-O-0900 (5) An Ordinance by **Community Development/Human Resources Committee** to amend Ordinance 08-O-1716, adopted by the Atlanta City Council on October 6, 2008, and approved by the Mayor on October 14, 2008, by including the Fund, Department, Organization and Account Numbers in which the position of Arborist Senior within the Department of Parks, Recreation and Cultural Affairs will be paid from; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (CONT'D)
JOYCE SHEPERD, CHAIR

11-O-0901 (6) An Ordinance by **Community Development/Human Resources Committee** amending Section 158-66 of the City of Atlanta Code of Ordinances to authorize the funding of three new employees of the Department of Parks, Recreation and Cultural Affairs who shall be responsible for the trimming and maintenance of trees within the City; to authorize the salary and benefits of the new employees be paid from the Tree Trust Fund; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

11-O-0988 (7) An Ordinance by **Councilmember Joyce M. Sheperd** amending the 2011 (WIA Youth Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipations and appropriations in the amount of \$2,028,279.00 in the Workforce Investment Act (WIA Youth Fund) from the Georgia Department of Labor, to provide job training and other skills to local area youth; and for other purposes.

The above ordinance was removed from the Consent Agenda by request of Councilmember Bottoms.

SEE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE REPORT

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
MICHAEL J. BOND, VICE-CHAIR

11-O-0931 (8) An Ordinance by **Public Safety and Legal Administration Committee** authorizing the Mayor, on behalf of the Department of Fire Rescue, to accept a grant from the U. S. Department of Homeland Security under the FY2010 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$9,793,068.00 for the purpose of hiring 75 new Firefighter positions; and for other purposes.
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)

MICHAEL J. BOND, VICE-CHAIR

11-O-0996 (9) An Ordinance by **Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean and Alex Wan** to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes.

The above ordinance was removed from the Consent Agenda by request of Councilmember Martin.

SEE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE REPORT

FINANCE/EXECUTIVE COMMITTEE

YOLANDA ADREAN, CHAIR

11-O-0902 (10) An Ordinance by **Finance/Executive Committee** authorizing the Mayor to accept and appropriate Interest Income from the certain Lease Purchase Agreement with Motorola as defined in the Escrow Agreement between the City of Atlanta, Motorola and Bank of New York Trust Company as Escrow Agent in the amount of \$685,799.39 from the Motorola Radio Upgrade Equipment Acquisition Fund to fund the Operation Shield Video Surveillance Program; and for other purposes.

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

11-O-0903 (11) A **Substitute** Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer to pay certain outstanding invoices on behalf of the Department of Watershed Management to Steamatic of Greater Atlanta for an amount not to exceed \$180,000.00 for certain services rendered by Steamatic of Greater Atlanta, Inc.; to waive Article X of the Real Estate and Procurement Code, including Section 2-1190 for Small Purchases; all contracted work to be charged to and paid from the FDOA numbers listed; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

ORDINANCES FOR SECOND READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)

YOLANDA ADREAN, CHAIR

11-O-0904 (12) A **Substitute** Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer to pay certain outstanding and future invoices to Konica Minolta Business Solutions, USA, Inc. on behalf of the Department of Watershed Management for Copier Leases and Maintenance Services in an amount not to exceed \$125,666.94; to waive Article X of the City of Atlanta Code of Ordinances, including Section 2-1190 for Small Purchases; all contracted work to be charged to and paid from the FDOA numbers listed, in the amounts listed; to ratify leases and maintenance agreements for certain copiers purchased from Konica Minolta Business Solutions, USA, Inc.; and for other purposes.

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

11-O-0934 (13) An Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer to pay certain outstanding and future invoices on behalf of the Department of Watershed Management to Interpark, Inc. for Parking Services in an amount not to exceed \$26,220.00; to waive Article X of the Real Estate and Procurement Code, including Section 2-1190 for Small Purchases; all outstanding and future invoices shall be charged to and paid from the FDOA numbers listed; and for other purposes.

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

11-O-0949 (14) An Ordinance by **Finance/Executive Committee** authorizing the Mayor and the Chief Financial Officer to transfer funds from Fund 1001.230201.5111003.3520000 (General Fund) to Fund 5502.000002.3921001.0000000 (Enterprise Fund) in the amount of \$8,000.00 on behalf of the Department of Fire Rescue for the purpose of purchasing two used fire apparatus to enhance the Department's reserve fleet; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS

CITY UTILITIES COMMITTEE

NATALYN M. ARCHIBONG, CHAIR

11-R-0892 (1) A Resolution by **City Utilities Committee** authorizing the Mayor, or his designee to execute a Contract with R. J. Haynie and Associates, Inc., for FC-5086, Marietta Boulevard Streetscape Project, Project Number CM000-0004-00(493), P. I. No. 0004493, on behalf of the Department of Public Works, in an amount not to exceed \$1,413,956.37; all contracted work shall be charged to and paid from Various Fund, Department Account and Center Numbers; and for other purposes.

The above resolution was removed from the Consent Agenda by request of Councilmember Archibong.

SEE CITY UTILITIES COMMITTEE REPORT

11-R-0972 (2) A Resolution by **City Utilities Committee** authorizing the Mayor to enter into an Agreement with Rockdale Pipeline, Inc./Integral Municipal Services Corp. JV, for FC-4773, South River Basin – South Sewer Replacement, on behalf of the Department of Watershed Management, in an amount not to exceed \$6,485,164.15; all contracted work will be charged to and paid from Fund, Department Organization and Account and PTAEO Numbers listed; and for other purposes.

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

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

JOYCE SHEPERD, CHAIR

11-R-0986 (3) A Resolution by **Councilmember Joyce M. Sheperd** to amend Resolution 11-R-0770 so as to add a new member to the Tire Commission; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

MICHAEL J. BOND, VICE-CHAIR

11-R-0923 (4) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Atlanta Pension Funds Membership Association and Mr. Andrew Hale v. City of Atlanta, Civil Action File Number 2009CV177060, Fulton County Superior Court, in the amount of \$14,500.00, \$1,000.00 dedicated to Plaintiff Andrew Hale and \$13,500.00 of which is specifically dedicated to the Attorneys' Fees and Costs; of this amount, authorizing payment of \$14,500.00 to be charged to and paid from the Fund, Center Number, and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

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

11-R-0924 (5) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of State Farm Mutual Automotive Insurance Company a/s/o Christopher Vaky v. City of Atlanta, Civil Action File No. 2010EV011214H, Pending in Fulton County State Court, in the amount of \$2,250.00; authorizing said payment to be charged to and paid from the Fund, Center Number and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

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

11-R-0925 (6) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Bernardo Pina v. APD Officer L. Bower, Civil Action File No. 1:08-CV-3928RLV, United States District Court, Northern District of Georgia, Atlanta Division, in the amount of \$5,000.00; of this amount, authorizing payment of \$5,000.00 to be charged to and paid from the Fund, Center Number and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
MICHAEL J. BOND, VICE-CHAIR

11-R-0928 (7) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor or his designee to exercise a renewal option in Contract FC-6008000004, with S & W Services, Inc., for Wrecker Services for vehicles over two (2) tons, on behalf of the Department of Police, all revenues generated under the contract shall be deposited into the Account Numbers listed; and for other purposes.

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

11-R-0929 (8) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under the contract shall be deposited as described in this resolution; and for other purposes.

The above resolution was removed from the Consent Agenda by request of Councilmember Young.

**SEE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE REPORT**

11-R-0930 (9) A Resolution by **Public Safety and Legal Administration Committee** authorizing the settlement of all claims against the City of Atlanta in the case of Terry S. Armstrong and Linda Ann Griffin v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-003802, Fulton County State Court, in the amount of \$89,000.00; authorizing said payment to be charged to and paid from the Fund, Center Number, and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE

YOLANDA ADREAN, CHAIR

11-R-0974 (10) A **Substitute** Resolution by **Finance/Executive Committee** to correct Resolution Number 11-R-0503 Adopted by the City Council on April 18, 2011 and Approved Without Signature by Operation of Law on April 27, 2011 by listing the correct Fund Department Organization and Account Numbers and Associated Funding Amounts; and for other purposes.

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

11-R-0976 (11) A Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into an Agreement pursuant to §2-1606 of the City of Atlanta Code of Ordinances with DLT Solutions, LLC, utilizing the General Services Administration ("GSA") Contract No. GS-35F-4543G in an amount not to exceed \$103,743.00; to be charged to and paid from the FDOA Numbers listed; and for other purposes.

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

11-R-0977 (12) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into a Sole Source Agreement with Hansen Information Technologies, a subsidiary of Infor Global Solutions for the purpose of providing a Software Maintenance and Support Agreement for the Hansen 7.7 System, on behalf of the Department of Watershed Management, in an amount not to exceed \$277,704.06; all contracted work shall be charged to and paid from the FDOA Numbers listed; and for other purposes.

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

11-R-0978 (13) A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to §2-1606 of the City of Atlanta Code of Ordinances, with Dell Marketing, L.P. utilizing the State of Georgia Contract #SWC90814-01 for the renewal of the maintenance and support for the Dell Tape Library, in an amount not to exceed \$21,150.00; to be charged to and paid from the FDOA Numbers listed; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
MICHAEL J. BOND, VICE-CHAIR

Claims with favorable recommendations:

- 11-R-0955 (1) Claim of **USAA Casualty Insurance Company, as subrogee of Jordache K. Avery (DPW/05)**, for damages alleged to have been sustained from a automobile accident on October 7, 2010 at Hemlock Circle, SE and Sanders Avenue, SE. **\$5,142.66**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 11-R-0956 (2) Claim of **Juma Anthony (DPW/04)**, for damages alleged to have been sustained as a result of a vehicular accident on January 14, 2011 at 508 Langhorn Street. **\$1,050.59**
ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Claims with unfavorable recommendations:

- 11-R-0957 (3) Claim of **Taryn Hampton (NA/NA)**, for vehicular damages alleged to have been sustained as a result of striking a pothole on April 19, 2011 on I-75 southbound at Clark Howell Highway.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 11-R-0958 (4) Claim of **Christopher Moore, through his attorney, Regan E. Keebaugh, Parks, Chesin & Walbert, P.C. (NA/11)**, for bodily injuries alleged to have been sustained as a result of an incident on January 6, 2011 at 3450 Benjamin E. Mays Drive, SW.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 11-R-0959 (5) Claim of **Angela Smith (NA/01)**, for damages alleged to have been sustained as a result of striking metal plates on June 11, 2010 on Boulevard, SE.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS
- 11-R-0960 (6) Claim of **Tremeka Williams, on behalf of Gerradeus Williams, a minor, through their attorney, James J. Kelleher (NA/01)**, for damages alleged to have been sustained as a result of an incident on November 3, 2010 at Price Middle School located at 1670 Benjamin Weldon Bickers Drive.
ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)

MICHAEL J. BOND, VICE-CHAIR

Claims with unfavorable recommendations: (Cont'd)

- 11-R-0961 (7) Claim of **Michael and Stephanie Szalkowski, through their attorney, Jonathan W. Johnson, LLC (NA/02)**, for bodily injuries alleged to have been sustained after riding a bicycle over an improper road condition on January 23, 2010 at the Highland Avenue Bridge and Freedom Parkway overpass.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0962 (8) Claim of **Gary L. Hill (NA/09)**, for vehicular damages alleged to have been sustained after driving over a pothole on March 10, 2011 on Interstate 285 westbound.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0963 (9) Claim of **Michael Rhodes, through his attorneys, Patty K. Kim, Foy & Associates, P. C. (NA/09)**, for bodily injuries alleged to have been sustained from an automobile accident March 23, 2011 at Arno Drive, NW and Hollywood Road, NW.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0964 (10) Claim of **Felicia Williams (NA/11)**, for vehicular damages alleged to have been sustained after driving over a pothole on April 7, 2011 on Highway 166 eastbound.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0965 (11) Claim of **Jane Dawkins (AFR/11)**, for damages alleged to have been sustained as a result of the discharge of a fire hydrant on June 11, 2009 at 1868 Fort Valley Drive.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0966 (12) Claim of **Eloise Lee, through her attorney, Morgan & Morgan (DOA/NA)**, for bodily injuries alleged to have been sustained on December 17, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION I (CONT'D)

RESOLUTIONS/CLAIMS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)
MICHAEL J. BOND, VICE-CHAIR

Claims with unfavorable recommendations: (Cont'd)

- 11-R-0967 (13) Claim of **Sereno Mason Merrill, through his attorney, Eric J. Hertz, P. C. (DOA/NA)**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on December 2, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0968 (14) Claim of **Eltisa Mastin, through her attorney, L. Chris Stewart (DWM/03)**, for injuries alleged to have been sustained as a result of a trip and fall in an uncovered water meter on August 18, 2010 at 202 Joseph E. Lowery Boulevard.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0969 (15) Claim of **Natalie Spalding (DWM/07)**, for damages alleged to have been sustained to an invisible dog fence during the repair of a curb cock leak on January 8, 2011 at 4043 N. Ivy Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0970 (16) Claim of **Joseph Campbell (DOA/NA)**, for damages alleged to have been sustained when a hanging electrical pipe ripped off a roof rack on April 10, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**
- 11-R-0971 (17) Claim of **Russell K. Clay, Sr. (DWM/10)**, for vehicular damages alleged to have been sustained from driving over an unsecured water valve cover on February 21, 2011 at 4060 Martin Luther King, Jr. Drive.
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 13 YEAS;
0 NAYS**

**CONSENT AGENDA
SECTION II**

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA

SECTION II

ORDINANCES FOR FIRST READING

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

MICHAEL J. BOND, VICE-CHAIR

All items on Consent Agenda Section II (01 through 05 as follows) were Referred to the appropriate committees as a collective vote.

11-O-0926 (1) An Ordinance by **Public Safety and Legal Administration Committee** amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police by deducting from anticipations and appropriations, the amount of \$14,174.00 due to modifications in Grant Funds from the White House Office of National Drug Control Policy (“ONDCP”) for the continuation of the High Intensity Drug Trafficking Area (“HIDTA”) Task Force and continued disruption of Drug Trafficking Organizations; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

11-O-0927 (2) An Ordinance by **Public Safety and Legal Administration Committee** amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$2,127,922.00, for Grant Funds from the White House Office of National Drug Control Policy (“ONDCP”), for the purpose of continuing the Atlanta High Intensity Drug Trafficking Area Task Force (Atlanta “HIDTA”); to disrupt and dismantle Drug Trafficking Organizations; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

Council President Cesar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE

YOLANDA ADREAN, CHAIR

- 11-O-0979 (3) An Ordinance by **Finance/Executive Committee** waiving the Source Selection Methods authorized in the City of Atlanta Code of Ordinances, Article X, Section 2-1187 of the Procurement and Real Estate Code, and to authorize the Mayor or his designee to enter into an Agreement with IBM Corporation for the Criminal Justice Information System support for two (2) years with two (2) one-year Renewal Options on behalf of the Department of Information Technology, in an amount not to exceed \$395,000.00 per year, to be charged to and paid from the FDOA Numbers listed; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS
- 11-O-0980 (4) An Ordinance by **Finance/Executive Committee** authorizing the Chief Financial Officer of the City of Atlanta to rename the Green Revolving Loan Fund originally created by Ordinance 09-O-1301 the Sustainability Fund; to expand the scope of work and projects eligible to be funded from the sustainability fund; to modify the procedures by which projects may be approved; and for other purposes.
REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS
- 11-O-0982 (5) An Ordinance by **Finance/Executive Committee** for the Twelfth Supplemental Bond Ordinance to Ratify, Reaffirm, Supplement and Amend that certain Master Bond Ordinance Adopted on March 31, 1999, as supplemented and amended by that certain First Supplemental Bond Ordinance Adopted on March 5, 2001, that certain Series 2001 Bond Ordinance Adopted on December 5, 2001, that certain Series 2004 Bond Ordinance Adopted on August 16, 2004, as supplemented by that certain Supplemental Series 2004 Bond Ordinance Adopted on September 15, 2004, that certain Fifth Supplemental Bond Ordinance Adopted on November 19, 2007, that certain Series 2008 Bond Ordinance Adopted on March 17, 2008, that certain Seventh Supplemental Bond Ordinance Adopted on October 6, 2008, that certain Series 2009 Bond Ordinance Adopted on May 4, 2009, as supplemented by that certain Supplemental Series 2009 Bond Ordinance Adopted on June 17, 2009 and that certain Series 2009B Bond Ordinance Adopted on October 5, 2009, as supplemented by that certain Supplemental Series 2009B Bond Ordinance, Adopted

Council President Ceasar C. Mitchell Presided

CONSENT AGENDA (CONT'D)

SECTION II (CONT'D)

ORDINANCES FOR FIRST READING (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (CONT'D)
YOLANDA ADREAN, CHAIR

11-O-0982 (5)
(Cont'd)

October 14, 2009; to provide for an Index Rate Mode; and for other related purposes.

**REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A
ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

COMMITTEE REPORTS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

TRANSPORTATION COMMITTEE (1)

KEISHA LANCE BOTTOMS, VICE-CHAIR

Attendance at the June 29, 2011 meeting of the Transportation Committee was as follows:

Present: Councilmembers Bottoms (Vice-Chair), Moore, Smith, Willis and Bond

Absent: Councilmember Martin

RESOLUTION

11-R-0975 (1) A Resolution by **Transportation Committee** authorizing the Mayor to execute Amendment No. 24 to the Central Passenger Terminal Complex and Agreement Lease with Delta Air Lines, Inc. covering the permanent surrender to the City of Atlanta of approximately 477 square feet of space on Concourse A and approximately 436 square feet of ramp area on Concourse A; and for other purposes.

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

ITEM REMOVED FROM CONSENT AGENDA

11-O-0918 (1) An Ordinance by **Transportation Committee** to amend the FY 2011 [Airport Renewal and Extension Fund (5502), the Airport Passenger Facility Charge Fund (5505), the 2004 (Airport Revenue Bond Fund) (5507), the 2004 (Airport PFC Bond Fund) (5508), and the 2004 (Airport Revenue Bond Fund F-K) (5509)] Budgets by transferring to and from appropriations a total amount of \$7,952,117.00 for reimbursement of the Renewal and Extension Fund, a total amount of \$237,041.00 for reimbursement of the 2004 (Airport Revenue Bond Fund), a total amount of \$483,284.00 for reimbursement of the 2004 (Airport Revenue Bond Fund F-K); and for other purposes.

Ordinance 11-O-0918 was removed from the Consent Agenda by request of Chairperson Martin. Mr. Martin sounded the caption to the ordinance and made a Motion to bring forth a Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. The Substitute was before Council. Chairperson Martin then made a Motion to Adopt on Substitute. Without Objection, the Motion CARRIED by a roll call vote of 14 yeas; 0 nays.

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

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (1)

AARON WATSON, CHAIR

Attendance at the June 29, 2011 meeting of the Zoning Committee was as follows:

Present: Councilmembers Watson (Chair), Bottoms, Smith, Winslow, Hall and Young

Absent: Councilmember Shook

ZONING REVIEW BOARD SUMMARY REPORT ITEMS

Ordinances (01 through 04 as follows) were taken as a collective vote.

11-O-0247 (1) An Ordinance by **Councilmember Ivory Lee Young, Jr. as**
Z-11-05 **Substituted by Zoning Committee** to rezone 891, 881, 879, 875, 873, 871 Rock Street & Parcel #14 01100001078 from the SPI-11 Vine City & Ashby Station Special Public Interest Sub-Area 7 Zoning District to the SPI-11 Vine City & Ashby Station Special Public Interest Sub-Area 8 Zoning District; and for other purposes.

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

11-O-0095 (2) A **Substitute** Ordinance by **Zoning Committee** to amend the
Z-10-38 1982 City of Atlanta Zoning Ordinance, as Amended, so as to allow assisted living facilities, as defined in Section 16-29.001(16)(b) as a use within the Planned Development-Housing (PD-H) and Planned Development-Mixed Use (PD-MU) Zoning Districts; and for other purposes.

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

11-O-0074 (3) An Ordinance by **Councilmember Clea Winslow as Substituted**
Z-11-02 **by Zoning Committee** amending Ordinance 02-O-0253, adopted by the City Council March 17, 2003 and approved by the Mayor March 25, 2003 to rezone certain properties with the Pittsburg Community Redevelopment Plan Area, properties specifically addressed or referenced as 1172 and 1174 West Avenue, S.W. and parcel Number 14-007-40009086 and 220 Boykin Street, S.W.; and for other purposes.

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

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (2)

AARON WATSON, CHAIR

ZONING REVIEW BOARD SUMMARY REPORT ITEMS (CONT'D)

11-O-0372 (4)
Z-11-10 An Ordinance by **Councilmembers Yolanda Adrean and Kwanza Hall as Substituted by Zoning Committee** to rezone property located at **1300 Mecaslin Street, NW** from the C-4-C (Central Area Commercial Residential-Conditional) to the C-4-C (Central Area Commercial Residential-Conditional) District for the purpose of a change of conditions; to modify the official zoning maps; and for other purposes.
ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

Ordinances (05 through 06 as follows) were taken as a collective vote.

11-O-0696 (5)
U-11-21 An **Amended** Ordinance by **Zoning Committee** granting a Special Use Permit pursuant to Section 16-19A.003 (text amendment pending) for an Assisted Living Facility, property located at **650 Phipps Boulevard, N.E.**, fronting approximately 950 along Phipps Boulevard (fka Wieuca Connector) and approximately 1300 feet along Alexander Road (a private road). Depth: varies; Area: approximately 1.2 acres; Land Lot 44, 17th District, Fulton County, Georgia. Owner: Parc At Buckhead Development, LLC; Applicant: Parc at Buckhead Development, LLC; NPU-B Council District 7.
ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 9 YEAS; 0 NAYS

11-O-0540 (6)
U-11-12 An **Amended** Ordinance by **Zoning Committee** granting a Special Use Permit pursuant to Section 16-35.007 (1) (c) of the City of Atlanta Zoning Ordinance for a Day Care Center, property located at **1240 Euclid Avenue, N.E.**, property fronting approximately 429.42 feet on the north side of Euclid Avenue beginning 272 feet from the northeast corner of Moreland Avenue and Euclid Avenue. Depth: varies; Area: approximately 1.60 acres; Land Lot 240, 15th District, DeKalb County, Georgia. Owner: Jericho Partners LLC (Dana Armour); Applicant: Eric J. Kronberg; NPU-N Council District 6.
ADOPTED AS AMENDED BY A ROLL CALL VOTE OF 9 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

ZONING COMMITTEE (3)

AARON WATSON, CHAIR

ZONING REVIEW BOARD SUMMARY REPORT ITEMS (CONT'D)

11-O-0539 (7) An Ordinance by **Zoning Committee** granting a Special Use
U-11-11 Permit pursuant to Section 16-17.005 (1)(x) of the City of Atlanta
Zoning Ordinance for a Solid Waste Transfer Station, property
located at **2100 Forrest Park Road, S.E.**, property fronting
approximately 380 feet on the east side of Forrest Park Road
beginning approximately 148 feet from the southeast corner of
Norwood Road. Depth: varies; Area: approximately 6.0 acres;
Land Lots 6 and 7, 14th District, Fulton County, Georgia. Owner:
Herman Lischkott; Applicant: Mark Slade; NPU-Z Council District
1.

FILED BY A ROLL CALL VOTE OF 9 YEAS; 0 NAYS

ORDINANCE FOR FIRST READING

11-O-0999 (1) An Ordinance by **Zoning Committee** granting a Special Use
U-11-24 Permit for a Daycare Center pursuant to Section 16-07.005(l)(b)
property located at **835 Mercer Street**, fronting approximately
100 feet on the northeasterly side of Mercer Street at the A and
WP Railroad.

Depth: Varies
Area: Approximately 0.263 Acre
Land Lot: 22, 14th District, Fulton County, Georgia
Owner: Amir Carlock
Applicant: Mary J. Cordero
NPU-W Council District 1

**REFERRED TO ZONING REVIEW BOARD AND ZONING
COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

COMMITTEE ON COUNCIL (1)

FELICIA A. MOORE, CHAIR

Attendance at the July 05, 2011 meeting of the Committee on Council was as follows:

Present: Councilmembers Moore (Chair), Sheperd, Archibong, Winslow and Hall

Absent: Councilmember Adrean

COMMUNICATION

11-C-0953 (1) A Communication by **Municipal Clerk Rhonda Dauphin Johnson** submitting a Report of Administrative Corrections made to previously adopted legislation between the Council's Regular Meeting dates of June 6, 2011 and June 20, 2011 to the Atlanta City Council in accordance with Section 2-275 of the Atlanta City Code of Ordinances (09-O-1948). **(Recommendation to File by Finance/Executive Committee 6/29/11)**
FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

ORDINANCE FOR SECOND READING

11-O-0987 (1) An Ordinance by **Councilmembers Joyce M. Sheperd and Felicia A. Moore** as **Substituted by Committee on Council** to amend Section 2-1855 (c)(7) (entitled Confirmation by Council) of the Code of Ordinances of the City of Atlanta, Georgia so as to clarify the procedure related to the Committee on Council with respect to the confirmation process applicable to Department and Agency Heads; to waive conflicting ordinances and code sections; and for other purposes..
ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

CITY UTILITIES COMMITTEE (1)
NATALYN M. ARCHIBONG, CHAIR

Attendance at the June 28, 2011 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Archibong (Chair), Adrean, Shook and Watson

Absent: Councilmembers Martin, Smith and Willis

ORDINANCE FOR SECOND READING

11-O-0681 (1) An Ordinance by **Councilmembers Yolanda Adrean and Howard Shook as Substituted by City Utilities Committee** to waive Section 154-26(f) of the City of Atlanta Code of Ordinance to allow for the re reappointment of a present Board Member to the Water and Sewer Appeals Board; and for other purposes.

Chairperson Archibong sounded the caption to Ordinance 11-O-0681 and stated the recommendation from committee was Favorable on Substitute. A discussion ensued, during which, Councilmember Shook made a Substitute Motion to File. It was properly Seconded and CARRIED by a roll call vote of 10 yeas; 2 nays.

FILED SUBSTITUTE BY A ROLL CALL VOTE OF 10 YEAS; 2 NAYS

ITEM REMOVE FROM CONSENT AGENDA

11-R-0892 (1) A Resolution by **City Utilities Committee** authorizing the Mayor, or his designee to execute a Contract with R. J. Haynie and Associates, Inc., for FC-5086, Marietta Boulevard Streetscape Project, Project Number CM000-0004-00(493), P. I. No. 0004493, on behalf of the Department of Public Works, in an amount not to exceed \$1,413,956.37; all contracted work shall be charged to and paid from Various Fund, Department Account and Center Numbers; and for other purposes.

The above resolution was removed from the Consent Agenda by request of Chairperson Archibong. Ms. Archibong sounded the caption to Resolution 11-R-0892 and made a Substitute Motion to Refer the item back to the City Utilities Committee. Without Objection, the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

REFERRED TO CITY UTILITIES COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (1)
JOYCE SHEPERD, CHAIR

Attendance at the June 28, 2011 meeting of the Community Development/Human Resources Committee was as follows:

Present: Councilmembers Sheperd (Chair), Wan, Archibong, Hall and Winslow

Absent: Councilmembers Bond and Young

ITEM REMOVED FROM CONSENT AGENDA

11-O-0988 (1) An Ordinance by **Councilmember Joyce M. Sheperd** amending the 2011 (WIA Youth Job Training Fund) Budget, Atlanta Workforce Development Agency, by adding to anticipations and appropriations in the amount of \$2,028,279.00 in the Workforce Investment Act (WIA Youth Fund) from the Georgia Department of Labor, to provide job training and other skills to local area youth; and for other purposes.

The above ordinance was removed from the Consent Agenda by request of Councilmember Bottoms. Chairperson Sheperd sounded the caption to Ordinance 11-O-0988 and made a Motion to Adopt. Without Objection, the Motion CARRIED by a roll call vote of 11 yeas; 0 nays; 1 abstention.

Note: Councilmember Bottoms stated for the record her abstention to Ordinance 11-O-0988 was due to a potential conflict of interest (family member work at Atlanta Workforce Development Agency).

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

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1)

MICHAEL J. BOND, VICE-CHAIR

Attendance at the June 28, 2011 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Bond (Vice-Chair), Adrean, Wan, Sheperd and Bottoms

Absent: Councilmembers Young and Martin

ORDINANCE FOR SECOND READING

11-O-0995 (1) An Ordinance by **Councilmember Kwanza Hall** to amend Section 10-209 (c)(1) and (d)(1) of the Code of Ordinances of the City of Atlanta, Georgia so as to establish a new closing time for those establishments licensed to sell alcoholic beverages for on-premises consumption; and for other purposes.

Vice-Chair Bond sounded the caption to Ordinance 11-O-0995 and stated the recommendation was Adverse from committee. The Motion then CARRIED by a roll call vote of 9 yeas; 1 nays. However, Councilmember Hall made a Motion to Reconsider the ordinance. It was Seconded by Councilmember Young and the Motion CARRIED by a roll call vote of 11 yeas; 0 nays. The item was before Council. Vice-Chair Bond then made his Motion to Adverse. It was Seconded by Councilmember Young and CARRIED by a roll call vote of 10 yeas; 2 nays. Later during the meeting, Councilmember Wan made a Motion to Reconsider Ordinance 11-O-0995. It was Seconded by Councilmember Bond and the Motion CARRIED by a roll call vote of 12 yeas; 2 nays. The item was again before Council. Subsequently, the Motion to Adverse CARRIED by a roll call vote of 11 yeas; 3 nays

ADVERSED BY A ROLL CALL VOTE OF 11 YEAS; 3 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (2)
MICHAEL J. BOND, VICE-CHAIR

ITEMS REMOVED FROM CONSENT AGENDA

11-R-0929 (1) A Resolution by **Public Safety and Legal Administration Committee** authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under the contract shall be deposited as described in this resolution; and for other purposes.

The above resolution was removed from the Consent Agenda by request of Councilmember Young. Vice-Chair Bond sounded the caption to the above resolution and made a Motion to Table. It was Seconded by Councilmember Young and the Motion CARRIED by a roll call vote of 12 yeas; 0 nays.

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

11-O-0996 (2) An Ordinance by **Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean and Alex Wan** to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes.

The above ordinance was removed from the Consent Agenda by request of Councilmember Martin. Vice-Chair Bond sounded the caption to the above ordinance and made a Motion to Adopt. A discussion ensued, during which, Councilmember Watson made a Substitute Motion to Refer 11-O-0996 back to the Public Safety and Legal Administration Committee. It was Seconded by Councilmember Young and following a brief discussion, the Motion CARRIED by a roll call vote of 8 yeas; 5 nays.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 8 YEAS; 5 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (1)
YOLANDA ADREAN, CHAIR

Attendance at the June 29, 2011 meeting of the Finance/Executive Committee was as follows:

Present: Councilmembers Adrean (Chair), Moore, Martin, Shook, Watson, Wan and Willis

Absent: None

ORDINANCES FOR SECOND READING

11-O-0944 (1) An Ordinance and **Charter Amendment** by **Councilmembers Yolanda Adrean, Felicia A. Moore, H. Lamar Willis, Keisha Lance Bottoms, Ivory Lee Young, Jr., Howard Shook, C. T. Martin, Joyce M. Sheperd, Aaron Watson, Alex Wan and Michael Julian Bond as Substituted by Finance/Executive Committee** 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 VI (Revenue and Fund Administration), Chapter 3 (Fiscal Control), to create new Sections 6-313 and 6-314 so as to require that an Actuarial Audit and Experience Study be conducted for the City of Atlanta's General Employee Pension Fund, Firefighter Pension Fund and Police Pension Fund; and for other purposes.

Vice-Chair Moore sounded the caption to Ordinance 11-O-0944 and made a Substitute Motion to Refer the ordinance back to the Finance/Executive Committee. Without Objection, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.

REFERRED SUBSTITUTE TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (2)
YOLANDA ADREAN, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

Ordinances (02 through 04 & 06 as follows) were taken as a collective vote.

11-O-0950 (2) An Ordinance by **Finance/Executive Committee** to enact the 2011 Amendment to the General Employees Pension Fund Act (1927 Ga. Laws, Page 265, particularly as amended by the 1978 Pension Act (1978 Ga. Laws, Page 4546) so as to create Section 6-37.1 of the Related Laws Section of Volume I containing the Charter and Code of Ordinances of the City of Atlanta, Georgia, which amendment shall: 1) to exempt permanent, full-time, active officers and employees hired before January 1, 1984 from the provisions of this amendment; 2) provide for a temporary adjustment to the employee contribution; 3) create new pension benefits and obligations with respect to the Defined Benefit Plan for eligible employees hired on or after November 1, 2011; and 4) to afford current participants in the City's Defined Contribution Plan the right to begin participation for future service in the City's Defined Benefit Plan; to waive conflicting Laws, Ordinances and Code Sections; and for other purposes.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

11-O-0951 (3) An Ordinance by **Finance/Executive Committee** to enact the 2011 Amendment to the Firefighters Pension Fund Act (1924 Ga. Laws, Page 167, particularly as amended by the 1978 Pension Act (1978 Ga. Laws, Page 4508) so as to create Section 6-367.1 of the Related Laws Section of Volume I containing the Charter and Code of Ordinances of the City of Atlanta, Georgia, which amendment shall: 1) to exempt permanent, full-time, active officers and employees hired before January 1, 1984 from provisions of this amendment; 2) provide for a temporary adjustment to the employee contribution; 3) create new pension benefits and obligations with respect to the Defined Benefit Plan for eligible employees hired on or after November 1, 2011; and 4) to afford current participants in the City's Defined Contribution Plan the right to begin participation for future service in the City's Defined Benefit Plan; to waive conflicting Laws, Ordinances and Code Sections; and for other purposes.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (3)
YOLANDA ADREAN, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

11-O-0952 (4) An Ordinance by **Finance/Executive Committee** to enact the 2011 Amendment to the Police Officers Pension Fund Act (1933 Ga. Laws, Page 213, particularly as amended by the 1978 Pension Act (1978 Ga. Laws, Page 4527) so as to create Section 6-222.1 of the Related Laws Section of Volume I containing the Charter and Code of Ordinances of the City of Atlanta, Georgia, which amendment shall: 1) to exempt permanent, full-time, active officers and employees hired before January 1, 1984 from provisions of this amendment; 2) provide for a temporary adjustment to the employee contribution; 3) create new pension benefits and obligations with respect to the Defined Benefit Plan for eligible employees hired on or after November 1, 2011; and 4) to afford current participants in the City's Defined Contribution Plan the right to begin participation for future service in the City's Defined Benefit Plan; to waive conflicting Laws, Ordinances and Code Sections; and for other purposes.

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

11-O-0985 (5) An Ordinance by **Councilmembers H. Lamar Willis and Aaron Watson as Substituted by Finance/Executive Committee** authorizing the Chief Financial Officer to amend the FY 2012 (Expendable Trust Fund) Budget by adding to Anticipations and Appropriations Sales Proceeds in the total amount of \$6,670,000.00 from the sale of the City of Atlanta's interests in certain properties located in Land Lot 50 of the 14th District of Fulton County, Georgia for Post Apartments Homes; and for other purposes.

ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 13 YEAS; 1 NAY

Council President Ceasar C. Mitchell Presided

COMMITTEE REPORTS (CONT'D)

FINANCE/EXECUTIVE COMMITTEE (4)
YOLANDA ADREAN, CHAIR

ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-0993 (6) An Ordinance by **Councilmember Kwanza Hall** to enact the 2011 Amendment to the General Employees Pension Fund Act, the City's Firefighters' Pension Fund Act, the City's Police Officers' Pension Fund Act so as to create Section 6-37.1 of the Related Laws Section of Volume I containing the Charter and Code of Ordinances of the City of Atlanta, Georgia which amendment shall: 1) to exempt permanent, full-time, active officers and employees hired before January 1, 1984 from the provisions of this amendment; 2) provide for a temporary adjustment to the employee contribution; 3) create a New Defined Contribution Plan for eligible employees hired on or after November 1, 2011; 4) offering all current employees the option of joining the 2011 Defined Contribution Plan; 5) offering all current employees the option of joining Social Security; 6) giving all current and future Grade 18 or below employees a one-time option to enter into the 2011 Defined Benefit Plan or the Defined Contribution Plan; 7) requiring all future Grade 19 and above employees to join Social Security; and 8) reducing the maximum Cost of Living Adjustment on all Pension Benefits to 1%; and to waive conflicting laws, ordinances and code sections; and for other purposes.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

RESOLUTIONS

Resolutions (01 through 02 as follows) were taken as a collective vote.

- 11-R-0991 (1) A Resolution by **Councilmember Kwanza Hall** to express the intent of the Atlanta City Council to amend the FY 2012 General Fund Budget by implementing a Furlough Plan for Non Exempt Employees; and for other purposes.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS
- 11-R-0992 (2) A Resolution by **Councilmember Kwanza Hall** of intent by the Atlanta City Council that all legislation to amend the City's General Employees Pension Fund, Firefighter Pension Fund, Police Officer Pension Fund and Defined Contribution Pension Plan include support documentation indicating the costs/savings, budget impact and timeline for implementation; and for other purposes.
FILED BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS

PERSONAL PAPERS

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS

RESOLUTIONS/ADOPTED

11-R-1050 (1) A Resolution **by Councilmembers Alex Wan, Ivory Lee Young, Jr., Joyce M. Sheperd, Natalyn Archibong, Carla Smith, Cleta Winslow, Howard Shook, Felicia A. Moore, Kwanza Hall and Michael Julian Bond** to support the 2011 AIDS Walk Atlanta & 5K Run on Sunday, October 16, 2011; and for other purposes.

Councilmember Wan made a Motion to Adopt Resolution 11-R-1050. It was properly Seconded and CARRIED by a roll call vote of 13 yeas; 0 nays.

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

11-R-1051 (2) A Resolution by **Councilmembers Michael Julian Bond, Ivory Lee Young Jr., C. T. Martin, Felicia A.. Moore, Keisha Bottoms, Natalyn Archibong, Joyce M. Sheperd, Cleta Winslow, Kwanza Hall, Aaron Watson, Howard Shook, H. Lamar Will and Alex Wan** supporting Team Atlanta during the 2011 Annual American Diabetes Associations' "Step Out Walk To Stop Diabetes;" and for other purposes.

Councilmember Bond made a Motion to Adopt the above resolution. It was properly Seconded and CARRIED by a roll call vote of 14 yeas; 0 nays.

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

11-R-1052 (3) A Resolution by **Councilmember Keisha Lance Bottoms** expressing the Atlanta City Council's support of the back to school rally; to authorize the City of Atlanta to accept monetary and in-kind contributions for the back to school rally; to authorize the Chief Financial Officer to create a trust fund account on behalf of Council District 11 for the deposit of monetary contributions received by the City of Atlanta in connection with the back to school rally; and for other purposes.

Councilmember Bottoms made a Motion to Adopt Resolution 11-R-1052. It was properly Seconded and the Motion CARRIED by a roll call vote of 13 yeas; 0 nays.

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

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/ADOPTED (CONT'D)

11-R-1053 (4) A Resolution by **Councilmember Keisha Lance Bottoms** expressing the Atlanta City Council's support of the Movies in the Park Program; to authorize the City of Atlanta to accept monetary and in-kind contributions for the Movies in the Park Program; to authorize the Chief Financial Officer to create a trust fund account on behalf of Council District 11 for the deposit of monetary contributions received by the City of Atlanta in connection with the Movies in the Park Program; and for other purposes.

Councilmember Bottoms made a Motion to Adopt Resolution 11-R-1053. It was properly Seconded and CARRIED by a roll call vote of 14 yeas; 0 nays.

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

RESOLUTIONS/REFERRED

11-R-1054 (1) A Resolution by **Councilmember Michael Julian Bond** requesting the Departments of Finance, Law and Public Works to review the feasibility of a bond referendum to address the capital, infrastructure and mass transit needs of the City of Atlanta by purposing pension reform savings and to present said referendum to the Citizen of Atlanta at the next Statewide, County or Municipal General Elections; that the departments complete the feasibility study within 90 days of the passage of this resolution; and for other purposes.

Councilmember Bond made a Motion to Adopt Resolution 11-R-1054. It was properly Seconded and a discussion ensued, during which, Councilmember Moore made a Substitute Motion to Refer the resolution to Finance/Executive Committee. It was properly Seconded and discussion continued. After which, the Motion to Refer CARRIED by a roll call vote of 11 yeas; 3 nays.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 3 NAYS.

11-R-1055 (2) A Resolution by **Councilmember Natalyn Mosby Archibong** requesting that a task force be created to review and report back to the Mayor and City Council on the proliferation of other post employment benefits (OPEB) cost for City of Atlanta, its employees and other similarly situated groups; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

Council President Ceasar C. Mitchell Presided

PERSONAL PAPERS (CONT'D)

RESOLUTIONS/REFERRED (CONT'D)

11-R-1056 (3) A Resolution by **Councilmember Natalyn Mosby Archibong** requesting that the Mayor or his designee provide a bi-annual personnel fiscal impact statement of the City's total payroll for the purpose of keeping the administration, city council and employees abreast of the pensions' payroll ratio to the actual required contribution (ARC); and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

11-R-1060 (4) A Resolution by **Councilmembers Joyce M. Sheperd, Cleta Winslow and Keisha Bottoms** authorizing the Mayor to enter into an agreement with the Directorate of Emergency Services (DES), Fort McPherson, Georgia on behalf of the Department of Fire Rescue for the purpose of providing fire protection, suppression, emergency medical, hazardous material, and technical rescue support within the boundaries of Fort McPherson, Georgia; and for other purposes.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

ORDINANCES/REFERRED

11-O-1057 (1) An Ordinance by **Councilmember Kwanza Hall** to amend Section 146-79 of the Code of Ordinances of the City of Atlanta for purposes of increasing the Hotel/Motel Tax Levied and assessed from 7% to 8% pursuant to O.C.G.A. 48-13-51(b)(7)(A); and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

11-O-1058 (2) An Ordinance by **Councilmember Howard Shook** to transfer \$4663.00 from the District 7 Councilmember expense account to the Ridgedale Park Civic Association to be used to assist in funding the Ridgedale Park Monument Markers; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

11-O-1059 (3) An Ordinance by **Councilmember Alex Wan** to transfer funds in the amount of \$20,000.00 from District 6 Councilmember expense account to contribute to the Piedmont Park Expansion Project; and for other purposes.

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

ADJOURNMENT

Council President Ceasar C. Mitchell Presided

ADJOURNMENT

There being no further business to discuss, the July 05, 2011 meeting of the Atlanta City Council was adjourned at 6:10 p.m.

ADJOURNMENT ROLL CALL: Council President Ceasar C. Mitchell (1); Councilmembers Smith, Hall, Young, Winslow, Archibong, Wan, Shook, Moore, Martin, Bottoms, Sheperd, Bond, Watson and Willis (14).