

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JUNE 28, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 28, 2011 at 3:06 p.m., in Committee Room #2**. The following members were present:

**The Honorable Michael J. Bond, Vice-Chair
The Honorable Yolanda Adrean
The Honorable Alex Wan
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms**

The following members were not absent:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable C. T. Martin**

Others present at the meeting were: Councilmembers Felicia A. Moore and Howard Shook, Deputy City Attorney Eric Richardson and Gwen Burns, Law Department; Chief George Turner, Deputy Chief Ernest Finley, Majors Debra A. Williams, Federick Paige and Keith Meadows; Police Department; Judge Crystal Gaines and Christopher Patterson, Court Administrator, Municipal Court; Deputy Chief Wilmond Meadows, Fire and Rescue; media, public and council staff.

Vice-Chairman Bond called the meeting to order at 3:06 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

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

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 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**

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.
- 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.
- 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.
- 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.
- 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.
- 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.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

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.

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.
(Councilmember Sheperd made a motion to approve Items C1-C17)

FAVORABLE

D. ORDINANCES FOR FIRST READING

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.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

E. ORDINANCES FOR SECOND READING

- 11-O-0931 (1) 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.
(Councilmember Adrean made a motion to approve)

FAVORABLE

- 11-O-0994 (2) An Ordinance by Councilmembers Kwanza Hall, Natalyn Archibong, Carla Smith, Alex Wan and Yolanda Adrean to amend Section 30-1461 (Private Property Vending-Definitions) and to create new sections to the Private Property Vending regulations, beginning with Code Section 30-1471 of the Code of Ordinances of the City of Atlanta, Georgia, so as to establish regulations for vending from Mobile Food Units; to waive conflicting ordinances and code sections; and for other purposes.
(Councilmember Wan made a motion to hold)

HELD

- 11-O-0995 (3) 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.
(Councilmember Adrean made a motion to adverse)

ADVERSE

- 11-O-0996 (4) An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall 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.
(Councilmember Wan made a motion to approve)

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F. RESOLUTIONS

11-R-0923 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of 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.

(Councilmember Wan made a motion to approve)

FAVORABLE

11-R-0924 (2) 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.

(Councilmember Wan made a motion to approve)

FAVORABLE

11-R-0925 (3) 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.

(Councilmember Sheperd made a motion to approve)

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RESOLUTIONS (CONT'D)

- 11-R-0928 (4) 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.
(Councilmember Wan made a motion to approve)

FAVORABLE

- 11-R-0929 (5) 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.
(Councilmember Sheperd made a motion to approve)

FAVORABLE

- 11-R-0930 (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 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.
(Councilmember Wan made a motion to approve)

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G. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**
- 10-R-0855 (5) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**
- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review)**
- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis as amended by Public Safety and Legal Administration Committee amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (13) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes. **(Held 3/29/11 for further discussions)**
- 11-R-0772 (14) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. **(Held 5/10/11 for further discussions)**
- 11-O-0946 (15) An Ordinance by Councilmember Ivory L. Young, Jr. to amend the Code of Ordinances of the City of Atlanta, Georgia by amending Section 162-61(a) so as to extend temporarily the maximum allowable age of taxicabs; to waive conflicting ordinances; and for other purposes. **(Held 6/14/11 for further discussions)**

H. FOLLOW-UP ITEMS

1. Councilmember Young requested that David Bennett make a report to the committee related to the Public Property Vending contract at each committee meeting.
2. Councilmember Sheperd requested that David Bennett provide a report on General Growth Properties' current Kiosks at the June 14, 2011 meeting.

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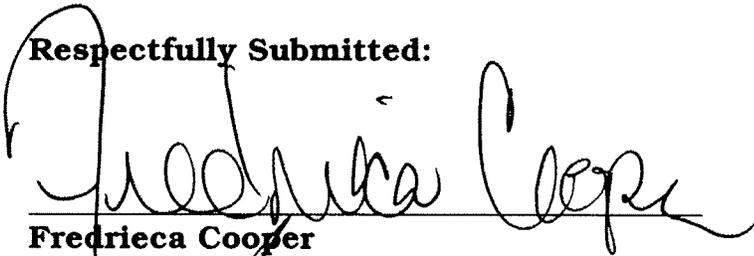
PAPERS HELD IN COMMITTEE (CONT'D)

3. Councilmember Sheperd requested that the City Attorney present a report on General Growth Properties' contract at the June 14, 2011 meeting. Attorney Hampton requested and received concurrence from Councilmember Young that this report will be provided at the June 28, 2011 meeting in Executive Session due to the possibility of litigation between the City and the contractor.

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There being no further business to come before the Committee, the meeting was adjourned at 3:41 p.m.

Respectfully Submitted:



**Fredrieca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



**The Honorable Michael J. Bond, Vice-Chair
Public Safety and Legal Administration Committee**